NEW FEATURE: Legislative File

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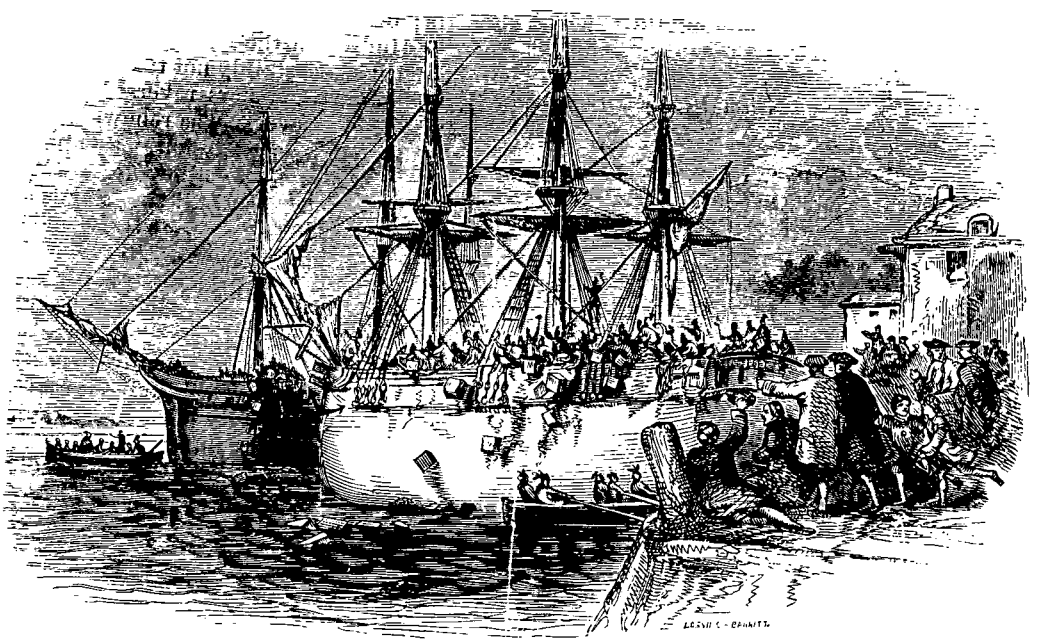
Will it be a University?
by Richard Ferrier

Orange County's
Wayward School Board
by Leon McKinney

Justice Brown
to the Rescue?
by Mark S. Pulliam



CONFLICT OF VISIONS

Thomas Sowell's phrase applies in Sacramento, where it's still faith in government vs. faith in ourselves.

contributors

John Kurzweil • Tom McClintock • Joseph Yocca

Arnold Steinberg — On Liberty

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FOR STRONG FAMILIES AND THE RULE OF LAW

THE PARENTS RIGHTS COALITION exists to demonstrate the breadth and depth of popular support and legal justification for California's law — once upheld, but now subjected a second time to Supreme Court review — requiring minor children to obtain their parents', or a judge's, permission before an abortion is performed on them.

The Supreme Court re-hearing in this case is now set for May 7.
A decision will be handed within 90 days after the hearing.

BACKGROUND

This law was passed in 1987 by a Democrat-controlled Legislature recognizing and encouraging parents' central role in leading children toward responsible adulthood. Signed by Governor George Deukmejian, it is supported by Governor Pete Wilson and its constitutionality was upheld in April of last year in a state Supreme Court opinion written by the Court's most liberal member, Stanley Mosk. Similar laws have been held constitutional by the U.S. Supreme Court and 70 percent of Americans believe parents have both the right and the responsibility this law enjoins.

But a tiny minority of abortion absolutists persuaded a newly-sworn-in majority of the state high Court to vote the following May 22 to re-hear the case. Even though state law requires minors under 18 to obtain parental consent before obtaining a driver's license or using a tanning facility, Attorney General Dan Lungren, whose office won this battle once, must now prepare to fight it a second time.

QUESTIONS RAISED — ACTION DEMANDED

The re-hearing threatens trust among parents and children. It undermines parental responsibility and strong families. It calls into question the constitutionality of curfew laws and other efforts to restore social stability for young Californians. Rulings that flip-flop with changes in Court membership undermine judicial independence and the rule of law. Democratic institutions are undermined when extreme political factions use the judiciary to impose their will on all of us. And, finally, what does it mean to say that, even within families, some questions (abortion, say) belong outside any definable moral framework, that we should never ask: Is it right?

If the people are not informed about what the Court is doing to them, Attorney General Lungren will fight alone against heavy odds to save this popular law. That's why The Parents Rights Coalition is sponsoring a public education program to alert the people of California that the rights of parents are too important to sacrifice to the ideological whims of left-wing extremists.

California believes in strong families, responsible parents, and judges who serve, rather than make, the law. It is time we were counted.

Join The Parents Rights Coalition today.

For information, call (805) 445-9183

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CORRESPONDENCE

Who Votes on What

It would be nice if you informed your readers on this state's legislation and how our legislators are voting on it. It would also be helpful to voters like me to know who is on what committees and subcommittees which could be done on the first issue of every new year.

Ron Gibson
Ventura

Great idea! We're incorporating your bill tracking suggestion in a new feature beginning with this issue — see page 7. —Editor

Pernicious Crippler

Your "Rewarded for Failure: California's Bilingual Education" by Harald G. Martin (*CPR*, March/April 1997) is an extremely important contribution to the bilingual education wars. The results of your Anaheim School District study are, I would predict, precisely the experience in most school districts in the state.

My two organizations have been attempting to reduce the influence of the native language lobbies for eight years. *They* are still listened to in the Legislature but our educational projects are steadily attracting attention and legislative support. The bilingual education bills in the current Legislature mask their real goals which would retain native language instruction, the pernicious crippler of immigrant children's futures. Thanks for Mr. Martin's article. I cite it every time I can.

Stanley Diamond, chairman
California English Campaign
National English Campaign
San Francisco

Grown Weary of the Tribe

I have for some time enjoyed reading law reviews at the local law library but I find most law reviews as liberal as Laurence Tribe, professor of constitutional law at Harvard Law School, who believes the U.S. Constitution should change and be interpreted to suit all the latest fads. Are there any good conservative law schools within the borders of our great nation that publish a good law review? The only one that I have heard of is Regent University Law School in Virginia.

In closing, I want to thank you for *CPR*, and for the work you are doing for our great (but liberal leaning) state.

David A. Knight
Harbor City

Mark S. Pulliam, CPR Legal Issues Correspondent, responds:

Your disappointment about the contents of most law reviews is understandable. As Robert Bork and others have pointed out, most law schools (especially at the "elite" institutions) have been captured by the left. There are exceptions. Pepperdine, Notre Dame, Brigham Young University, George Mason, and Chicago have a traditional faculty or at least a strong representation of traditional scholars. That does not necessarily translate into a conservative law review, since law reviews are edited by the students, not the faculty. Your best bet for a conservative law review is the Harvard Journal of Law and Public Policy, *published in conjunction with the Federalist Society. This journal may already be in your local law library. If not, try a large, nearby university law school library such as at USC or UCLA. Or contact the Federalist Society directly at 202/822-8138. Subscriptions are reasonably priced.*

How About Bonier?

With all the hoopla in the media these days regarding how Newt is going to pay the $300,000 fine imposed on him, I'd like to make the following suggestion.

In the interest of fairness, shouldn't David Bonior be held liable for all the expenses incurred by the Ethics committee in their investigations of the 70 some complaints filed by him which were shown to have no merit?

Nancy Morgan
Manhattan Beach

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SACRAMENTO SPECTATOR

One of your *Spectator's* favorite put-down lines is from that old Marxist, Groucho, when he turns from some sap he has been talking to, looks full face into the camera and says "I thought my razor was dull 'til I met this guy." The same can be said about the current situation in Sacramento .... dull, duller, and dullest.

Almost nothing is going on under the dome — in fact as of their "Spring Break," the full Assembly had taken up and voted on only 60 bills in the first 3 months of the year. This has several causes, including disarray among both Assembly caucuses. Speaker Bustamante cut a Faustian deal with the hard line liberals in his caucus to become Speaker, and the left is beginning to chafe at his hesitation to bring up their agenda items.

The Speaker rightly sees that homosexual "marriages" and "reparations" to blacks for slavery are not winners with most Californians. (One in this vein that snuck by was Kevin Murray's motion, voted for by 33 Democrats, to honor slain "gangsta" rapper "Notorious B.I.G." whom Tom McClintock noted was best known for glorifying rape and murder and for a drug-dealing conviction.)

On the Republican side, the uncertainty about term limits and Curt Pringle's intentions has led to a bunker mentality among all the GOP's several factions. The staff and salary reductions made while going from a majority position last year to a minority status in this session has left ruffled feathers among staff and some members. You have the truly absurd situation of a political operative who worked for David Roberti and still works for Bill Lockyer advising one GOP faction on how to overthrow Pringle as leader.

Republican political consultants, eager to avoid blame for the elections they lost last November, still play "duck and run," blaming everything from Bob Dole to the weather to the gun issue for their own shortcomings. And because of all the mistrust engendered by this and other infighting, you have hard feelings being solidified into grudges and this 37-member GOP minority well on its way toward 32 or 33 members and total irrelevance after 1998.

The situation in the Senate is only a little better. GOP leader Rob Hurtt leads a disgruntled, largely disinterested caucus, most of them worried about term limits and finding other public offices to hold. Only Hurtt, Ray Haynes, and Jim Brulte are showing any initiative or interest in actually doing combat with the Democrats.

Democrat Senate President ProTem Bill Lockyer — arguably the most liberal member of that body — continues to be the real power in the Capitol. With Pete Wilson the lamest of lame ducks, Lockyer is aggressively advancing his agenda and planning for Democrat gains in 1998. He has the satisfaction of knowing that one of his employees has been planted inside the Assembly GOP leadership battles, that he has a highly disciplined majority in his own house, and that as of now he holds virtually all the trump cards looking toward this year's legislative agenda and next year's elections.

You would think, in the words of the old song, that "something's gotta give." There is abundant talent in the GOP ranks in the Legislature. Perhaps it won't be much longer before some of that talent eschews the infighting in favor of fighting the real enemy. Your *Spectator* promises to keep you posted.

— *A.P.C.*

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Justice Brown To The Rescue ?

Janice Brown's appointment may be the high-water mark of Pete Wilson's administration, just as Clarence Thomas's appointment was George Bush's most enduring achievement.

MARK S. PULLIAM

A DOUBLE STANDARD exists in many areas of public life, and certainly in the area of judicial philosophy. During the last 50 years — gradually at first, but more rapidly since the 1960s' heyday of judicial activism — the ideological spectrum has been redefined. For judges, that which in conventional political terms would amount to "very liberal" has come to be described as "moderate" or "centrist," while judicial attitudes reflecting what most citizens would regard as common sense are regularly described as "outside the mainstream" or "lacking judicial temperament." For example, the ABA routinely rates liberal judicial activists more favorably than equally or better qualified conservatives committed to judicial restraint. (In 1987, a minority of the ABA's Standing Committee on the Federal Judiciary rated Robert Bork — former tenured professor at Yale Law School, former Solicitor General, and sitting judge on the D.C. Circuit — *unqualified* to sit on the Supreme Court.)

Outspokenly liberal Ninth Circuit Judge Stephen Reinhardt receives flattering profiles in the *L.A. Times, Wall Street Journal,* and the *L.A. Daily Journal* even as he publicly castigates Chief Justice William Rehnquist, writes strident judicial decisions that personify the genre of judicial activism, and is reversed more often than any other court of appeals judge in America. In contrast, outspokenly conservative U.S. Supreme Court Justice Antonin Scalia received harsh criticism in the press for his biting dissents last term in the *Romer v. Evans* (the Colorado case involving an initiative that repealed special preferences for homosexuals) and *U.S. v. Virginia* (the VMI case) and is condemned for publicly expressing his religious beliefs. While Judge Reinhardt is portrayed as a colorful and idealistic "rascal" or "rogue," Justice Scalia is characterized as "embittered," "uncivil," "nasty," and "stubborn." But I digress.

My topic is Justice Janice Rogers Brown, appointed amid considerable controversy by Governor Pete Wilson to the California Supreme Court one year ago. The controversy centered on the "not qualified" rating she received from the state bar's Judicial Nominees Evaluation ("JNE" or "Jenny") Commission, ostensibly because she injected her personal views into her rulings while on the court of appeal. This is code for the JNE Commission's disagreement with her no-nonsense judicial philosophy. Based on performance to date, Justice Brown's California Supreme Court record is good. Although last May, soon after she joined the court, she voted with her also newly-appointed colleague Ming Chin and the three dissenters to rehear *American Academy of Pediatrics v. Lungren* (the parental/judicial consent for minors' abortions case — see "The Court's War on the Family," *CPR,* July/August 1996). The reargument — a full year having elapsed — is now set for this May. The jury is still out on how she'll vote.

HER OPINIONS so far are sensible, cogent, reasonable, and refreshingly free of the cant that pervades the decisions of other members of the California Supreme Court. Of course, this appraisal is based on limited data, and no judge is going to please all the time, but there seems to be a trend. Here are four examples:

- Justice Brown wrote the majority opinion in *People v. Acuna,* 14 Cal. 4th 1090, upholding the constitutionality of a preliminary injunction issued against gang members on the ground that their anti-social conduct — terrorizing a community with violence, drugs, graffiti, and intimidation — constituted a

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THE FRONT LINE

Lorelei Kinder

Gutless! Republicans are gutless: the message of politicians and pollsters at the California Republican Assembly April convention in Ontario. Five hundred activists heard Governor George Bush (R-TX), Senator Fred Thompson (R-TN), Senator John Ashcroft (R-MO), Pat Robertson, and pollster Kelly Anne Fitzpatrick all sounding one theme: "Define the difference between the Parties. Lower the pale pastels. Hoist Ronald Reagan's bold colors."

They said too many GOP office holders, mired in the mushy middle, are more concerned with themselves than with the good of the country. To invigorate the voters, they advised replacing Washington/Sacramento psycho-babble with a dose of common sense: speak to the point and be positive. Castigating Clinton, Gore, Boxer, and Feinstein liberalism is good; offering conservative alternatives is better.

Attorney General Dan Lungren came to Ontario walking the Reagan walk. As message defined Reagan, so it will define Lungren. Having set out to resurrect Reagan's volunteer army, Lungren has wisely raised his own bold colors. He talks positively about the future and about his approach to California's cultural, economic, and social problems. His convictions are his own, not the tailored wisdom of pollsters and consultants. He believes in life for the unborn, competition and parental choice for public schools, and a crime rate to equal 1955, the much-maligned "Ozzie and Harriet" era. He supports more prisons and does not hesitate to demand the death penalty for those who take others' lives. Gutless, he is not.

About the same time CRA met, the Republican Hispanic Assembly's Bay Area leadership gathered in San Jose to discuss Republican challenges in the Hispanic community. They are many. Hispanics are registering — Democrat — *and voting.* In 1996, 8 percent voted for Dole. In Orange County's 50 percent Hispanic 46th Congressional District, Bob Dornan lost narrowly to Loretta Sanchez, partly due to voter fraud, partly to Hispanic disaffection with the GOP.

In April, Hispanic voters provided LA Mayor Richard Riordan a 62 percent landslide win. These same voters, whose children are 70 percent of LA School District students, overwhelmingly supported an ill-advised $2.4 million school bond measure. What did Riordan and the school bond campaign do that Dornan and Dole did not? They talked, listened, *and learned from* Hispanics.

Ronald Reagan's first political mentor, Stu Spencer, knew that Hispanics share Republican social *and* economic values, that these were "our votes to lose." Reagan's message inspired them to join the Party. They will again, *when Reagan's flag flies.* Their leaders' names are not household words, but should be. They are on the front line fighting Republican battles with little recognition: Sarah Flores, Ernesto Feliciano, Armando Mena, Rob Guzman, Frankie Vega, Al Zapanta, to list a few.

Past CRA President Jon Fleischman says, "if we don't get the [Latino community's] message now, the world will know we are deaf." New state GOP Chairman Mike Schroeder knows this and is listening. GOP principles need not change; they must be reaffirmed in bold colors all Californians can salute. Lungren and Schroeder are committed to doing that. Their next steps should prove interesting. CPR

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"public nuisance." Justice Brown rejected the gang members' constitutional challenge in a carefully reasoned opinion that contained these words: "Often the public interest in tranquility, security, and protection is invoked only to be blithely dismissed, subordinated to the paramount right of the individual. In this case, however, the true nature of the trade-off becomes painfully obvious. Liberty unrestrained is an invitation to anarchy. Freedom and responsibility are joined at the hip."

Justice Brown also wrote that "Preserving the peace is the first duty of government, and it is for the protection of the community from the predators of the idle, the contentious, and the brutal that government was invented." Justice Brown's scholarly opinion was sprinkled with references to *The Federalist Papers,* de Tocqueville, Locke, and Montesquieu, as well as relevant judicial precedents. (Multicultural wacko Martha Escutia, chairman of the Assembly Judiciary Committee, criticized the opinion's reference to "the history and basic constitutional documents of English-speaking peoples" — intended as a synonym for our Anglo-American legal heritage — because she believes that it implies "that non-English speakers do not share this tradition of respecting liberty." I'm *not* making this up.)

• In *Loder v. City of Glendale,* 14 Cal. 4th 846, a case involving drug testing of public employees, Justice Brown in a separate opinion indicated that she would go farther than the majority and uphold testing for both job applicants and candidates for promotion. Expressing her frustration at the U.S. Supreme Court's multi-factor balancing test for deciding whether drug testing is constitutional, she wrote "This is not a standard; it is a conundrum. As with other attempts to apply amorphous balancing tests, multi-tiered levels of scrutiny, and abstract evidentiary exclusions, the result can only be described as whimsical." (As proof of this, the court's decision in *Loder* is 92 pages long and comprised five separate opinions.)

CITING THE eminently sensible (albeit currently unfashionable) views of Justice Oliver Wendell Holmes in a similar case involving the free speech rights of a policeman, she stated that "The petitioner may have a constitutional right to talk politics, but he has no constitutional right to be a policeman." The notion is that a public employee can be asked to waive certain privacy rights as a condition of employment. In words that were clearly not penned by a law clerk or staff attorney, she explained that:

> These tradeoffs are part of the cost of being a public servant. Thus, federal employees cannot run political campaigns; FBI agents do not go on strike. State employees are required to reveal detailed financial information knowing it will be publicly disseminated. Such choices are neither easy nor comfortable. But that is life. Sometimes beauty is fierce; love is tough; and freedom is painful.

• In *Alcarez v. Vece,* 14 Cal. 4th 1149, the majority, by a 4-3 vote, recognized a legal duty on the part of a landlord to warn the tenant of a hazard not even located on the landlord's property (in this case, a water meter box with a missing cover on city property). The majority's decision represented an unwarranted expansion of tort liability for landowners and a departure from existing precedents. Justice Brown showed her independent streak by dissenting. Her opinion began: "This case should be governed by the venerable judicial maxim: '[I]f it ain't broke, don't fix it.' Unfortunately, the majority fails to heed this sensible advice, and today's decision drastically enlarges the potential tort liability of thousands of California homeowners."

• Finally, in the boldest display yet of Justice Brown's maverick instincts, in *ABC International Traders, Inc. v. Matsushita Electric Corporation of America,* 14 Cal. 4th 1247, she filed a lone dissent when her six colleagues voted the other way. The issue was whether a California statute, the Unfair Practices Act, which prohibits certain business practices (such as discount pricing) on the part of *sellers,* provides a claim on behalf of an injured buyer. The majority said yes. Justice Brown disagreed. Her lucid dissent pulled no punches. Here is a sample (the key statute is section 17045 of the Business & Professions Code):

> Given the ordinary rules of English usage, this [statutory] prohibition is implicated only by competitive injury to a competitor of the one prohibited. Such a result is abhorrent to the majority. It suggests that some victims of commercial discrimination might have no remedy under the act. *The quixotic desire to do good, be universally fair, and make everybody happy is understandable. Indeed, the majority's zeal is more than a little endearing. There is only one problem with this approach. We are a court.*
>
> As a court, we are constrained to work with the tools available and to play by the rules. When the task is statutory construction, our inquiry begins with the words of the statute. It ends there if the words are sufficient. The majority's insistence on "interpreting" the unambiguous language of section 17045 prompts me to repeat Justice

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LEGISLATIVE FILE

Welfare: In mid-April, Democrats moved to bury welfare reform within the budget "process" in an apparent effort to deflate popular support for Republican-proposed "Wisconsin-style" reforms. Assembly Democrats passed a series of essentially empty welfare bills, sending them to a "super committee" with a heavy Democrat majority.

This committee will amend into the bills policies Democrats agree upon for welfare. Republicans predict these welfare "reforms" will be incorporated into a massive budget proposal and presented to the full Legislature in late June as the budget deadline approaches with little debate or choice offered except to vote the whole package up or down. Some GOP legislators are urging a unified Republican strategy aimed at forcing separation of welfare bills from the overall budget so welfare is considered on its own merits.

Term limits: Several bills to "restore" legislative term limits followed a federal judge's overturning of Prop. 140, but a stay on the ruling will keep term limits in effect, probably through 1998's elections. Republican and Democrat "restoration" proposals differed radically.

Both sides would eliminate the current law's lifetime ban on lawmakers holding their old seat, but Senate Democrat Leader Bill Lockyer (elected to the Senate in 1982) favors "re-starting" the term limit "clock," giving career politicians equal footing with legislative freshmen.

In contrast, GOP Assemblyman Rico Oller's new term limit proposal, ACA 18, applies "to all terms to which persons are elected or appointed on or after November 6, 1990." Also, Republicans criticized Democrat proposals that would supersede Prop. 140 even if the lifetime ban is eventually held constitutional. Oller said he will amend his proposal making it ineffective if 140 is upheld. He said he also hopes to combine his proposal with other GOP plans. Because a constitutional amendment is necessary to adopt new term limits and requires a two-thirds vote of the Legislature to appear on the ballot, Democrats cannot place any measure without Republican support.

Social issues: Democrat Assembly Speaker pro Tem Sheila Keuhl introduced, with several of the legislature's most left-wing members, 10 stridently anti-family bills. For example, the Democrat-dominated Assembly Education Committee passed Keuhl's AB 101 to prohibit public schools from sponsoring activities or groups, such as the Boy Scouts and various religious organizations, that teach the sanctity of the family and condemn sexual promiscuity. SB 1037, by Senator John Vasconcellos, would create in law a "de facto" parent: a person who apparently could be a homosexual to whom a court could grant "rights" normally reserved for parents, such as "visitation rights," following separations, possibly, to children unrelated by blood.

Another bill — AB 53, by Assemblyman Kevin Murray — would prohibit the state Department of Social Services and licensed adoption agencies from adopting rules or policies stating that adoption by two legally-married adults is in the best interest of the child. CPR

Legislative rules require bills to be passed by their "house of origin" by June 6 and by the full Legislature by September 12. Schedules and status of specific bills can be found by calling the office of their author. Abbreviations: AB: Assembly bill; SB: Senate bill; ACA: Assembly Constitutional Amendment; SCA: Senate Constitutional Amendment.

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Frankfurter's tongue-in-cheek advice for a court with an overactive lawmaking gland: "When the legislative history is doubtful," he wrote, "go to the statute."

Here, of course, lacking even the guidance a legislative history of section 17045 would furnish, there is all the more reason for a cautious fidelity to the text of the statute. Undaunted, the majority creates doubt where none exists and, marshaling a patchwork of secondary comments that provide no clear evidence of what the Legislature had in mind in 1933, jettisons the settled understanding of the statute more than half a century after it was passed. By reading the language of section 17045 as referring to competitors of those who receive prohibited price discounts, the majority introduces into the statute an ambiguity that is not present if the words are taken to mean what they say. To use rules of statutory construction to create ambiguity is perverse. The sole justification of the canonical apparatus is to remove doubt, ambiguity, or uncertainty where they exist . . . .

With the utmost respect for the views of my colleagues, *I fear today's decision will not only eliminate price discounts as a means of enhancing competition; it will encourage precisely the kind of vexatious and costly litigation which serves only to burden the economy.* (Emphasis added.)

THE EMERGING jurisprudence of Justice Janice Rogers Brown is a welcome breath of fresh air: bold, thoughtful, and down-to-earth. We're fortunate Governor Wilson ignored the JNE Commission and appointed her to the California Supreme Court. Her rhetorical flair and incisive analysis are reminiscent of Justices Antonin Scalia and Clarence Thomas. The riddle to which we don't yet have the answer is: If Justice Brown is the principled judicial conservative her initial opinions suggest she is, why did she vote to grant rehearing in *American Academy of Pediatrics v. Lungren?* Time will tell. CPR

THE MIDNIGHT ECONOMIST

Statesmanship

Radical, Black, Female-Style

WILLIAM R. ALLEN

SOCIOLOGY AND PSYCHOLOGY are fields infested with land mines even for specialists. Amateurs should cultivate the pride of humility. Still, we cannot hope to understand how the world works and to help it work better unless we have some well-founded notions of why people persist in acting like people.

A few years ago, *The Los Angeles Times* presented a long feature on a member of the California Legislature who may be "the nation's most influential black female elected official." It is a striking profile, disturbing in some respects. A recent review indicates no personal progress. With a fine sense of tact and propriety, she calmly shrills: "I'm a liberal, big-spending, Democrat, female African-American .... That's who I am."

The woman is imposing, respected and dreaded by both foes and friends. Evidently, she is a woman of inner strength as well as outward abrasiveness, of outward assurance as well as inner misgivings, of social commitment as well as alienation from and impatience with the world she wants to impress and reform. She is characterized as a Machiavellian politician who largely disdains diplomacy with opponents and civility with her own associates. She seems to have difficulty distinguishing belligerent boorishness from tough-mindedness.

She is an individual of haphazardly-held beliefs, not of systematically-deduced conclusions, beliefs springing from personal background and instincts, with minimal intellectual content. She shouts solutions, with little concern for analysis of problems. Her mode of behavior is mainly conspicuous physical activity, energized by barely disciplined emotion — rallies, marches, confrontations — all of which she finds to

William R. Allen, a member of the UCLA Department of Economics, applauds decision-making through a process of non-hysterical, dispassionate, systematic analytics.

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be "exciting, exciting, exciting." But her agenda consists of little more than hopes and visions; her strategy is confined mainly to randomly selected, immediate coups. And this, she seems belatedly to suspect, is not a basis for long-evolving progress.

EXCITEMENT OF the moment cannot be indefinitely sustained in the ranks, and the beleaguered opposition learns to weather the loud aggressiveness. The irrational high hopes, unabetted by coherent conception of social construction, begin to wither, with expended euphoria leaving frustration, embitterment, and war-weariness. The initial victories are real but severely limited, and the enemy feels confirmed in his long-standing wonderments about the competence and commitment of the rag-tag troops — doubts which are increasingly shared by the activists themselves.

The black woman legislator shares one problem common to all politicians: there is little time — or inclination — for thought and deduction, little energy for research and analysis, little feel for intellectual persuasion. Harried and preoccupied with crises of the moment, the politician begins with analytic capital which is inadequate for the job and then becomes increasingly outmoded and deteriorated.

Racial-minority politicians have peculiar problems in moving from preoccupation with tactics of confrontation to strategies of growth. How, indeed, are we to make significant, continuing progress in melding into a civil, prospering society people of greatly different heritages, preparation, mores, and aspirations? Whatever may be said in support of a period of belligerent eruption, beyond a point quite quickly reached, profane posturing must give way to productive performance. CPR

EDUCATION

Whither the University of California?

One hundred years after the state moved in, the private sector may make a come-back

ANDREW J. PETERSON

A BEAUTIFUL LATE-SPRING day: From La Jolla to UC Davis, young adults are poised to enter the rough-and-tumble of California's economy and the global marketplace. Happy Graduation Day! This year, each graduate's situation is reproduced on a larger scale by the challenges and opportunities facing the great University of California itself. Tremendous changes in technology and society, along with ever-present financial pressures, have the Regents, administrators, and legislators concocting five-year plans by the armload. As economist Hans Sennholz says, in his best classic Austrian accent, "where there is change, there is op-por-tu-ni-ty!" But exploiting the opportunity will require change. A guide to the future might be found by a look into the past.

On October 9, 1867, the Oakland-based College of California, a pioneering ecumenical effort of New School Presbyterians and New England Congregationalists, donated its entire operation to the state of California. They hoped to further Christian higher education with the help of state money. They were warned at the time by the Old School (Westminster Confession of Faith) Presbyterians at San Francisco's City College that the state's secular influence would quickly corrode the college's religious basis, which is just what happened. Although the leaders of the old College of California strained to retain their influence on the Board of Regents, it evaporated as soon as the ink was dry on the title that transferred all of their assets. Christians received no authority for setting curriculum and, as had happened already at Harvard and Yale, the Protestant worldview was replaced by Unitarian and secular belief systems. The state, having taken on the responsibility of meeting the cost of higher education, soon controlled everything else about the university as well.

IN THE 1990s, as it turns out, UC's educational, social, and technical challenges continue to be shaped and controlled by financial considerations. Today, those considerations are driving the university toward changes potentially as sweeping as those

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brought on by the resort to state funding more than 100 years ago. Perhaps ironically, the direction of change seems in many ways to reverse the private-to-public movement begun back then.

Financial problems abound in the UC system. Its budget continues to absorb large cuts in federal R & D contracts. The university pay scale seems wholly inadequate to compete for the services of hi-tech computer and network experts with Silicon Valley where these people are offered the highest pay in the world. The lure of lucrative research grants competes with, and can overshadow, the university's primary job of offering undergraduates a solid education, so much so that actual teaching is often left to graduate assistants. And even small increases in tuition levels, which in any case do not begin to approach covering a UC education's real costs, prompt virulent protests of unfairness and racism. Some observers point to UC's Thornton Hospital in San Diego having last year somehow gone from an apparently stable budget situation to losing millions of dollars in a matter of weeks as only a symptom of the system's many underlying financial problems.

These and other forces are pushing the university to turn toward private sector businesses that directly benefit from highly trained personnel and to non-profit charitable trusts with an altruistic mission for help in obtaining funds. As the New School Presbyterians learned last century, when funding sources shift, changes in educational governance follow.

ANOTHER FORCE moving UC toward more private/public than strictly public governance is educational technology. Because millions of dollars of venture capital are being targeted at the education market, UC administrators are also looking over their shoulders at the variety of offerings increasingly available to students on television and "the Net." Major universities around the country are already offering college course credit *via* the World Wide Web. The upstart University of Phoenix, for example, with campuses in California and around the country, is now the nation's *fourth-largest* private school boasting more than 36,000 students and 3,000 adjunct faculty. They focus on customer service with convenient admissions policies and class scheduling and on co-operative relationships with businesses in the private sector. Its library consists of an advanced computer network with an inter-library loan system. And the stock price of its owners, the Apollo Group, is doing very well, thank you.

Here is an example to illustrate the sort of challenge technological change brings a large, bureaucratic (*i.e.*, slow to adapt) university. When I directed the Multimedia Development Center at UC San Diego in 1995, our mission was to train faculty to use Power Point and other standard computer-based tools to present graphic and audio illustrations in their lectures and labs. After planning for a couple of years with an emphasis on desktop CD-Rom tools, we opened the center only to be hit immediately by the WWW tidal wave. The Web, of course, changed completely how and where materials were delivered to students — through networks, directly to their rooms on- or off-campus, as well as in lecture halls. Professors who adapt will be able to contract directly with students regardless of institutional affiliation. These professors' incentives, in the form of profits, to provide such improved customer service are already great and becoming greater. All this elevates the private sector's influence and ultimately its leadership role at the University of California.

Pressures moving UC toward genuine diversity (generally the opposite of what that word signifies when used on campus) are showing their influence in other ways as well. UC is permeated by controversy about the fairness and effectiveness of "affirmative action" — race- and gender-based preferential policies — in admissions and faculty hiring. They are on their way out, even though few besides UC Regent Ward Connerly are willing to talk frankly about the absolute repudiation of both genuine diversity and of civil rights these preferences embody. (For those who seem not to remember, Dr. Martin Luther King said: "I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character." Even though King did, we are told, endorse some degree of "affirmative action," even preferences, it seems unlikely that the man who uttered the words above could possibly have had in mind anything like the bizarre fixation on skin color that characterizes UC-style "affirmative action" today.) Judging from the popular vote for CCRI, most Californians seem increasingly to know that true diversity comes with the liberty to choose when, how, and what kind of education to buy.

Maybe it's time for UC to hold a commencement day for its own new future. The system still has the best, most skilled minds in the world (at least as measured by such yardsticks as Nobel prizes garnered, although many of these minds devote little time to teaching). Moved forward by tight budgets, the market incentives that technological advances are bringing to bear, and a re-awakening appreciation of true diversity, UC may find that relying more on private and less on state governance is the best policy after all. Happy Graduation Day! CPR

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Judges' Political Pedigree

How about reporting routinely the ideology behind the robes — even when the judge is a liberal?

TIM W. FERGUSON

"Conservative Panel May Revive Prop. 209, Experts Say," read the banner headline in the *Los Angeles Times*. And revive they did soon afterward, quashing Judge Thelton Henderson's attempt to conjure up unconstitutionality in the Civil Rights Initiative. In so doing, these right-wing jurists displayed politicization of the judicial process — or so the reaction stories said, picking up the tone of Maura Dolan's *Times* curtain raiser. Political influence cuts both ways, the reporters duly noted ... but they'd rarely seen fit to note it *before* the circuit court of appeals acted. How many papers waved the bloody robe when federal district judge Henderson, a longtime activist for the quota cause, commandeered the case in the first place?

Dolan and those who aped her, such as Dana Wilkie of the *San Diego Union-Tribune,* zeroed in on the Republican background of the three-judge panel and delighted in observing that one had "as a lawyer once tried to ban gay magazines from Alaska schools."

No question, it's news when you draw three cherries in the slot machine of the federal appellate courts, which is what happened in the random assignment here. But to some it was a form of "judge shopping." The ACLU contended that, though selected by chance, the three-judge panel was overstepping in presuming to rule on the merits of constitutional question and not just on the emergency appeal of Henderson's action. Of course, the ACLU earlier went shopping to get Henderson on the case, but never mind.

If we're going to start detailing the full political context of judicial stories, fine. But let's be consistent in not exalting the bench to an above-it-all neutrality. The week after Dolan's story, the *Times* reported on two other federal judges who inserted themselves into policymaking. Judge Lawrence Karlton blocked welfare cuts aimed at people who move into California to collect higher benefits. Judge Emmet Sullivan delayed the feds from enforcing new immigration rules. As usual, no mention was made of the jurists' pedigree. As usual, I had to call the office of the U.S. courts in Washington (202/273-0107) to find out. And, as usual, the two were Carter and Clinton appointees, respectively.

This same kind of thing used to happen regularly with the state judiciary when Jerry Brown's jurists filled the courts. Their numbers are diminishing, but lots of looniness remains. Whether state or federal, it pays to know who put 'em there. Papers love to break out little boxes with stories — how about "Judge at a Glance"?

The improving Life & Style section of the *Times* surprised readers with a sympathetic profile of Ohio anti-abortion activist Janet Folger, along with a photo of her burned-out Porsche, an apparent arson. Nice counterpoint to the usual clinic-bombing spin on the issue. Writer was Bob Sipchen, who formerly did an even-handed job with a magazine-review column that the paper unfortunately dropped.

A hokey photographic staple of community papers comes the day each school year when the Student-Council kids pretend to be the principal, the teacher, and the librarian. (Nobody wants to be the janitor.) There, in his mugging glory is Little Johnny sitting behind the big desk. It's all very cute and very patronizing.

Sort of reminds you of the way major media continue to treat protected minorities, especially blacks. Stay in school, run a business, serve in a war, keep a family in tact — it can be exceptional enough for a story, if the press expects so little of you as to find the mundane noteworthy. February being a month designated for honoring achievements of black Americans, it is the time of year most given to stories that would never make the paper if the subject were, say, Pakistani (which according to the University of California is "white").

Perhaps this sort of special treatment — which, amazingly, is still given to women — is designed to

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raise the consciousness of the stubbornly benighted, those vapid suburbanites who actually buy newspapers. If so, another goad came atop the *LA Times* op-ed page from Karen Grigsby Bates, a regular race-hustling columnist. "An Apology for Slavery Would Be a Good Start," it was headlined. First of two parts. (We skipped the second.) The victimhood shtick is cause for cognitive dissonance, however, when we see more and more about the economic power of black Americans. (Spike Lee's advertising venture is set up to profit from it.) Maybe these and other protected folks deserve to be treated like full-fledged adults.

It's still hard for the liberal white press to hold a failed black official to account in a racially polarized situation. So that's why Los Angeles police chief Willie Williams' termination was so inadequately explained to a largely admiring public. It fell to Jill Stewart, ex-*LA Times*-er, to explain in her column in the *New Times Los Angeles* weekly that Williams was cashiered because of his chronic dishonesty. She ticked off several of his whoppers, the most memorable of which was his denial of a gift weekend in Vegas. That incident, early on in a tenure that held such great promise, set the stage for a steady loss of respect from his troops. "The media have long hidden the real Willie Williams from the public out of a badly misplaced oversensitivty to racial politics," Stewart writes. "Nobody's editor wants to be called a racist."

What to make of the "Temblor at the *Times,*" as the *LA Weekly* billed a staff shift that transferred top *Times* gals Narda Zacchino and Carol Stogsdill from their key positions, including oversight of the Sacramento bureau? The *Weekly,* from its leftist outpost, saw ominous signs of renewed exertion of corporate control, which the two ladies had been vocal in protesting. Most everyone else figured it was just new managing editor Michael Parks — whose politics are unknown — shaking up the joint. Editor Shelby Coffey, by all accounts, is these days a less central figure in the news operation. If you figure the place couldn't get much more PC than it was before Mark Willes took over as CEO and started the chain of changes, any move is a positive sign. Associate editor and vice president Zacchino (Mrs. Bob Scheer) responded to the *Weekly* article with a one-sentence letter to the editor taking issue only with the story's lead anecdote: "I have never cried in the office of Shelby Coffey, nor outside his office."

Just when you were feeling kindly toward Pete Wilson, he starts getting respectably moderate again. His class-reduction exercise looks more and more like an expensive sop to the teachers union. And his tough stance against taxpayer subsidies of aliens, illegal or otherwise, steadily melts away. The *LA Times* editorialists called him Dr. Jekyll and Mr. Hyde, praising the "kinder and gentler" side it was beginning to see. Hold your wallets.

Speaking of school funding, the attributing of poor pupil performance to "reduced" expenditures is an enduring myth. The Pacific Research Institute did its best to dispel this notion with a report in late February noting that inflation-adjusted spending per student in California actually has risen 60 percent in the last 25 years. Somehow, that wasn't news to the *San Francisco Chronicle,* the *Orange County Register,* the *San Diego Union-Tribune,* the *San Jose Mercury News* or the *Sacramento Bee.* The *San Francisco Examiner* did an article but focused on non-funding aspects of the report.

Journalists love the goody-two-shoes transit user. He's the guy who resists the temptation to live in the nice suburb and instead gets a condo along the rail line, allowing him to stay off the roads and out of a darn automobile. Reporters would live their own lives that way — but, of course, they *need* to have the car at work.

The *San Francisco Chronicle,* in its often interesting weekly feature "Commuter Chronicles," profiled people who'd decided to buy close-in homes so they could spare themselves hours in traffic. They are the pioneers of New Urbanism, the re-populaters of the center city. And what were their stories? One couple was still looking for a suitable place to purchase, having spurned a four-bedroom "dream house" in Antioch. Another breadwinner walks 20 minutes to a Caltrain station, rides the rails for 10 minutes, then hikes a mile to work. Driving "makes me tense," he says.

Then there was an accountant who "is limiting her job search to areas served by transit because she cannot tolerate the traffic and Bay Area fog." She and hubby bought next to the BART station in Hayward. The *Chron* quotes her stating, "I have no intention of driving across a bridge." You get the feeling these are oddballs. Yet they're presented as the vanguard of a new way of life.

Jim Sayer, executive director of the Greenbelt Alliance, assured the readers, "It's fun to take the train, be able to walk home, walk by markets and neighbors and say hello, rather than pull into a two-car garage after a frustrating, congested ride home." How about some advice on carting home the milk, dog food, and toilet paper, Jim? CPR

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Arnold Steinberg On Liberty

Our aim is virtue, but not coercion; freedom, but not license

FRANK S. MEYER tried to reconcile the two most prominent strands of American conservatism: libertarians with their emphasis on freedom, and traditionalists with their emphasis on order. I met Frank Meyer about 30 years ago, about the same time I became the very young editor of the national magazine of Young Americans for Freedom, then at its apex, opposite the mis-named Students for a Democratic Society. What Frank said and what he wrote still have special meaning for me.

Frank Meyer, like many of the people around Bill Buckley's *National Review,* had been a former communist. Buckley himself, when challenged in a debate with a liberal about his affinity for former communists, said the key word was "former." Meyer reminded us that many conservatives were anti-communist because they were vaguely pro-American, or because they saw communism as dehumanizing and godless. Communism was seen properly by Meyer and his colleagues as materialistic. Meyer felt that capitalism, pilloried as materialistic, had the capacity to liberate people to seek higher (virtuous) ends.

It was disillusionment that motivated Meyer in his early disaffection from communism, and then he became a student of liberty. It was only later that he sought the comfort of religion. Then, Meyer provided his own theology to blend disparate elements of conservatism. One should seek virtue, Meyer said, but virtue was meaningless unless one sought it freely. Enforced virtue, Meyer argued, was not virtue. Fusionism was the term that described Meyer's attempt to reconcile freedom and order, a symbiosis — one had to be free to pursue order, and without order, there could be no pursuit of freedom.

With the fall of communism abroad and the continuing disintegration of civility at home, we have seen renewed emphasis among conservatives on the need for order. But order itself has bounds, as we saw with the absurd federal prosecution of Assembly Republican Leader Pat Nolan or the egregious silliness of Orange County District Attorney Michael Capizzi, who has trivialized political corruption with his vendetta against local Republicans. In my own case, I found myself a victim of thugs (Ayn Rand's term) at the Coastal Commission. Thus, conservatives cannot become knee-jerk supporters of law and order, when law seems arbitrary and order seems overbearing. Instead, such support must be thoughtful and qualified, lest it be taken for granted by bureaucrats lacking humility. We can never adopt the immoral methods of the opposition or we become irreparably soiled. For example, the Internal Revenue Service ought not to be used to stifle liberal dissent any more than to stifle conservative dissent: its rules, like those of any government agency, should be within defined bounds and applied even-handedly.

OUR RESPECT for police, and awe at the job they perform under terribly difficult circumstances, cannot provide inherent justification for excesses when they occur. Our deep admiration for the military cannot condone wars fought for purposes other than victory, in which our fighting men (and, now, women) became pawns.

Just as order, unbridled, moves toward tyranny, so liberty, unchecked, moves toward li-

Former Coastal Commissioner Arnold Steinberg lives in Calabasas.

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cense. Many libertarians have come to distinguish between the genius of the market and what the market produces. This distinction is no easy task. For it means that while we believe people have the right to do lots of things free of government regulation, we do not believe that all of those things are desirable or virtuous. The key is that we don't want government making those judgments. But that doesn't mean *you* don't make those judgments — for yourself, for your children. Indeed, people, together in voluntary associations, especially religious institutions, try to define virtue; the libertarian preoccupation is to prevent the usurpation of political power to enforce virtue.

SOMETIMES THE obvious is lost to conservatives who defend the indefensible. Take tobacco. One of the great people in the world is Bruce Herschensohn. But I meet him outdoors because he smokes all the time. Is he a terrific person? Of course. Do I agree with him that government is getting carried away in regulating tobacco? Sure. But that doesn't mean I think tobacco is nonaddictive. I've done a few health surveys over the years on the effects of potentially toxic substances, from hydrogen sulfide to formaldehyde. In both studies, physician-experts of integrity helped me control in my studies for smokers and those who lived in households with second-hand smoke. Yet, conservatives who properly insist that people suing tobacco companies accept some responsibility for their smoking manage to portray themselves as defenders of smoking.

There is a raging debate within the conservative community over the role of government in regulating the great world of cyberspace. Our traditionalist brethren are inclined toward protectionism, and our libertarian brethren are inclined toward the market. But consensus on matters of taste seems overlooked. While we may differ on whether there should be censorship, most people who read this publication do not celebrate modern culture. Endorsement of the market does not mean that we value anything and everything that market produces. We simply believe that a free market is, both morally preferable and materially more beneficial than alternatives like socialism. We celebrate that people can make choices, and government should not intervene. We do not say that *their* choices would be *our* choices, but that their choices *are* their choices.

This is not nearly as abstract as it may sound. Many people in our society seem unable to reason, so it is hard for them to understand that we believe government must not have or exercise certain powers. The reluctance of libertarians to embrace government doesn't mean that a priest or a rabbi should not preach virtuous conduct. So when Bill Buckley and Milton Friedman explore whether we would be better off with the legalization of drugs, such as through pharmacy distribution, it is hardly because they believe heroin is wonderful. One of the great differences between our side and the liberals' is that we are willing to say what is good, and what is bad. We simply, in varying degrees among libertarians and traditionalists and those in between, differ on whether government, with its monopoly of coercion, should enforce what many of us believe to be socially desirable conduct.

No wonder there is confusion. Only a generation ago, we thought civil rights had something to do with what *government* does or doesn't do to people. Now, the whole debate has been transformed into defining private action as part of the civil rights rubric: civil rights is now defined as what we do among ourselves. Thus, if the orthodoxy is that government should prohibit private acts of discrimination against someone because he is, let us say, a Catholic or a Jew, or a black or a brown, or a he or a she, then government should prevent all acts of discrimination, such as whether you are too young or too old, are married or not, have children or not, practice heterosexuality or homosexuality.

IT'S QUITE desirable for groups of people to try voluntarily to promote their own values. For example, libertarian thinker Milton Friedman pioneered the idea of school vouchers 35 years ago not only because he thought competition would produce better schools but because he thought, for example, that Christian parents should be free to seek a Christian education for their children and should have the same government subsidy as parents who sought a secular education.

But if we're serious about liberty, then we ought to recognize once again that while government, in preserving order, may protect our liberty, it also remains its greatest threat. And if we care about values and virtues, we must understand that government cannot impose them, and when it does, something very precious is lost. CPR

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California State University?

The CSU system's most recent offering — at the old Fort Ord military base, now known as CSU Monterey Bay — has developed into a combination summer camp, politically correct peace corps, and therapy group. The folks responsible now propose transforming Camarillo State Hospital into CSU Channel Islands. Maybe we should ask whether we are being offered a university this time.

By Richard Ferrier

LET'S DO a little thought experiment. In a California coastal county a large, publicly-owned site, complete with buildings, suddenly becomes available for other uses. The County has no California State University or University of California campus, though there are campuses in the adjacent counties. Local leaders and the CSU administration propose acquisition of the land for a new, innovative program, promising use of the latest computer technology, strong connections to the local community, convenience for adult learners and part-time students, and increased access for the high school graduates of the area who want to continue their education. Public relations are conducted by a smooth-talking former president of a CSU campus, local civic groups that value and respect the ideals of higher education jump on the bandwagon, the land is acquired, students are recruited, and the program is put into place. Hopes, and expectations, for the new campus are high.

Two years pass. The program is now in place, and 1,250 students are enrolled. Visitors to the campus report the following. There is no Shakespeare in the entire curriculum. In fact, there is no literature by any British authors in the campus bookstore. Instead, we find books by Black American, Asian American, and Latino or Mexican American writers and collections of American Indian legends. Traditional course and credit requirements are replaced by a list of 15 "University Learning Requirements" that are aggressively multi-cultural and anti-Western, including a bizarre requirement called "Vibrant," which is defined as an "understanding of the interrelationship between intellectual, psychological, spiritual, aesthetic, and physical health as it applies to one's own life." A respected and politically moderate higher education consultant writes that, "few could insist that the decisions (about the program) were shaped by an authentic list of educational priorities." The president of the University admits in an interview that, "This is a work in progress. It's like oil and water vis-a-vis traditional academics."

THE NEW campus attracts most of its students not from the local community, but rather, according to the admissions director, from affluent coastal communities, including Santa Barbara, Santa Monica, Irvine, and

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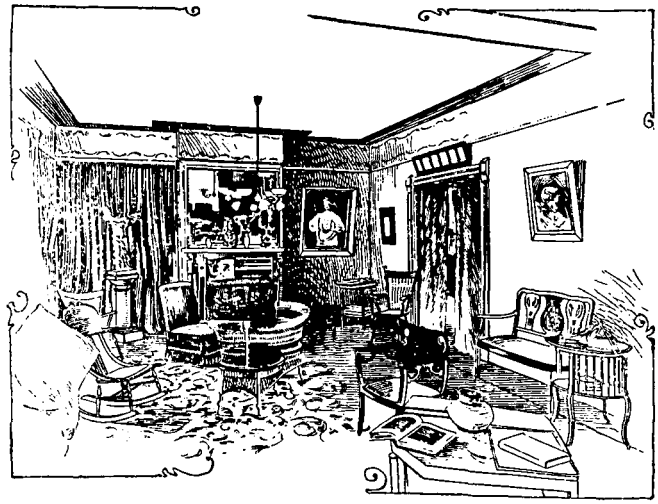
Huntington Beach. These pampered youngsters spend half of their time doing "community service projects" outside of the classroom, escaping the rigors of lectures, quizzes, and note taking. The service projects include work with ethnic and race-based interest groups and environmentalist lobbies. Church based groups are, of course, excluded. The students do enjoy using the existing tennis courts, grassy fields, and other leftover facilities from the old site.

THE COST per student, most of which is picked up by taxpayers throughout the state, is $12,316, comparable to the average for private colleges, and twice that of existing CSU campuses. Capital costs to complete the campus are estimated by the president to be about $150 to $200 million. Although the multicultural and "service" aspects of the program proceed full steam ahead, the head of the business studies unit, a veteran of the CSU system, quits after the first year, characterizing the program as, "Let's all feel good about ourselves and hold hands," and he adds, the real story is "Where has all the money gone and why can't my kid get a job?" Some of the money has gone to the former chief-of-staff of the Clinton White House, Leon Panetta, and his wife, who together take in $1,400 a day as consultants to the campus president, who, like Panetta, is an ex-Congressman.

By now the reader has probably guessed that this is no thought experiment. It is, instead, the actual story of the last campus that CSU set up, on the venerable Army base at Fort Ord, in scenic Monterey County. The CSU president who oversaw the establishment of CSU Monterey Bay was J. Handel Evans, who has been touting the CSU Channel Islands project in Ventura County. Evans' old campus, San Jose State University, is in the news this week



for finally agreeing to re-instate its Air Force ROTC unit, which it had banned for following the military's "don't ask, don't tell" policy on homosexual behavior. It seems even the Clinton Administration's stand was not radical enough for some administrators in CSU, who only caved in the end when the feds threatened to withhold funding. Support for group "rights" for homosexuals is actually written into Monterey Bay's "equity" graduation requirement, as is support for affirmative action and a requirement that students show they have "worked toward building a more inclusive society." The reader can look this up on the web at www.monterey.edu. Click on the university learning requirements for the details. Whether one is for or against these policies, they have no place in the graduation requirements for a public university. This is activism, not education.

EVANS HAS written in the CSU Channel Islands Current that the proposed Ventura County campus will offer, "a full complement of traditional studies that are an integral part of any undergraduate degree at a California public university." If the CSU Monterey Bay curriculum is a sample of what is now meant in the CSU system by "traditional studies," I am not comforted. Serious concerns about traffic, pollution, and financing have already been raised against the CSU Channel Islands project.

Much more fundamental is whether we are being offered a university at all. To judge from Monterey Bay, we are looking at a combination of summer camp, a politically correct peace corps, and a therapy group. Maybe we should have kept the old but honestly-named mental hospital. CPR

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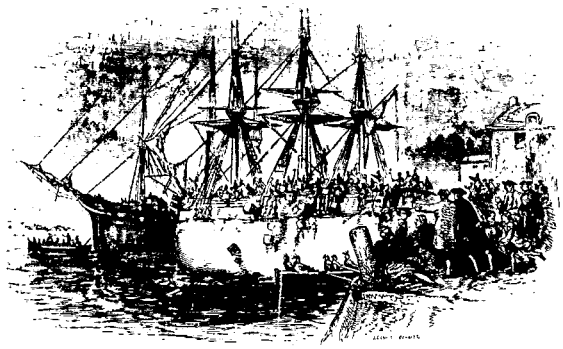
Reform Welfare, Scour the Bureaucracy, Privatize



CONFLICT OF VISIONS

Thomas Sowell's phrase aptly describes Sacramento's political climate as California approaches the legislative year's June climax. The issue is still faith in government *vs.* faith in ourselves. Herewith, four reports from the front.

contributors
• John Kurzweil • Tom McClintock
• Joseph Yocca

THE CONTEXT
By John Kurzweil

THIS YEAR, as every year, the Sacramento budget battle is less about numbers, balances, and government receipts than about how we live. The America most of us grew up learning about in school, the one most of us still live in for the most part (although seemingly less so day-by-day), operates on the premise that freedom is the primary goal and the greatest good a political system can achieve *for the people,* although not always for the elite classes. That is so because freedom gives the people flexibility and fosters faith in themselves, without which we can have neither civil society nor economic prosperity. Beyond maintaining basic order and protecting against aggression, the state offers little that is good, and much that is dangerous. Thus, the founding American spirit: throw the tea in the harbor — and with it the whole calcified, class-privilege-incrusted, self-serving-bureacratized, creaking, blood-sucking, outlived-its-usefulness (charitably supposing it ever really had any beneficial purposes) political establishment.

Then there is the other side. These traditional American ideas are all

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wrong, we are told. Freedom lets children starve, deprives the old of their security, favors the strong and the lucky while damning the weak and unfortunate to be trod underfoot. And don't look to private institutions, especially not religion and the family, to set things right. They fail to deliver; but worse than that, they spawn prejudice, division, and every form of repressive and destructive irrationality known to history. Thus Senate Democrat Leader Bill Lockyer lectured an Orange County audience awhile ago, when memories of the L.A. riots were fresh in everyone's minds, about the vulnerability of what he called their "gated communities," about the fire that would engulf them if they somehow succeeded in achieving their foolish goal of stopping government from performing its moderating, ameliorating work. "That's what we do," Lockyer said, referring to redistribution of wealth, in his mind, the public servant's *raison d'être:* replacing the vagaries of chance and the venality of the rich with fairness, reason, and generosity.

This vision implies, really begins by assuming, that man's traditional faiths — in God, in family, in himself — are misplaced and must be overthrown to clear the way for reason to go to work, using the power of government, to make justice, peace, and happiness reign at last. Lockyer's otherwise inscrutable attack on self-reliance and playing by the rules can be explained in no other way. What, other than such a strange vision (certainly he can produce no evidence to support it), could account for his implying that a group of peaceable, middle-class Orange County residents (who, by the way, make far less, on average, than does Mr. Lockyer) are really a pack of thieves, that their faith in economic freedom (*i.e,* self-reliance) is actually a rationalization for systematic stealing, and that they are fools to think they might escape having their property taken, either by Mr. Lockyer or, if they won't be at all sensible, by mobs made up of their justifiably outraged victims.

OR TAKE the weird vaporings of Assemblyman Dick Floyd who recently told his colleagues on the floor: "Let's quit the sanctity of marriage B.S. and get down to what real people feel and do." He was trying, at the time, to refute critics of a bill that would permit homosexuals to adopt children, but his larger message was that our faith, essential to traditional American thinking, in God and family, deserves, nay, *requires* just such vulgar, vituperative exposure, showing it a sham, so as to drag it down from the pedestal of irrational reverence on which too many gullible people have placed it. Both Lockyer and Floyd know instinctively that faith in government requires destruction of our faith in its rivals.

The clash in Sacramento over welfare reform offers this year's best encapsulation of the broad political situation in state government: the lay of the land and the character of the contending forces. We open with Tom McClintock's crystal clear distillation of the real issues involved with welfare, from the point of view of the public good. Second comes an exchange of mem-

Kuehl Stops Up Her Ears

California Republicans' welfare plan is modeled on reforms enacted in Wisconsin a decade ago (see Tom McClintock's article, nearby). A spirited Assembly floor debate erupted April 10 when McClintock blocked a Democrat "unanimous consent" motion to gut two major GOP welfare reform bills. McClintock contrasted Wisconsin's 49.2 percent reduction in welfare caseloads over the past 10 years (best in the nation) with California's 48.7 percent increase during the same period (we rank 42nd). Press reports the next day concluded that "Republicans are ready [for the welfare debate]; Democrats aren't." Democrat Assembly Speaker pro Tem Sheila Kuehl evidently agrees. The following Monday, April 14, when Republicans attempted to debate additional welfare bills duly placed on the Assembly's daily file, Kuehl ruled their efforts "dilatory," and closed off discussion. We reproduce here the exchange that followed:

Statement by Assemblyman Tom McClintock (April 14)

THE ACTION THIS MORNING on the Assembly floor is unprecedented and the ramifications should be fully understood.

The Speaker pro tem has refused to take up a measure placed on the Assembly Daily File under the rules of the house, by calling it "dilatory." The precedent established by this ruling strikes at the very foundation of a deliberative assembly of elected representatives, and would allow the Assembly leadership simply to ignore any measure brought to the house under its own rules for consideration.

The freedom of open debate in a legislative chamber is the essence of parliamentary systems and representative democracies. If the major issues confronting California can no longer be fully debated by California's elected representatives, then the institution of the Legislature has been seriously damaged.

In his acceptance speech in December, 1996, Assembly

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oranda showing how little the public good matters to the Legislature's controlling ideologues. Third and fourth, there are discussions of bureaucracy and privatization (by Mr. McClintock and Joseph Yocca respectively), important topics in themselves that also clarify the overall conflict of visions, to borrow Thomas Sowell's apt phrase, raging in the Capitol.

A Tale of Two Welfare Systems
By Assemblyman Tom McClintock

TEN YEARS ago, California and Wisconsin both adopted sweeping welfare reforms. California put its faith in a massive new bureaucracy, called GAIN. Wisconsin put its faith in a

Speaker Cruz Bustamante told the Assembly:

"We should not scorn that conflict [between Democrats and Republicans]. We should honor it, embrace it .... and most importantly ... we must elevate it. I want to see the floor become a battleground for ideas. Good ideas. A battleground where there is honor."

This morning's ruling makes this an empty promise.

Statement by Speaker pro Tempore Sheila James Kuehl (April 14)

MEMBERS OF THE REPUBLICAN ASSEMBLY CAUCUS, and Assemblymember Tom McClintock in particular, have complained that I would not allow free debate on the Assembly Floor. Contrary to these complaints, I have been very generous in allowing debate on the floor. Last week the Republicans debated for an extended period about their welfare bills. This began when Assemblyman Tom McClintock withheld unanimous consent to adopt committee amendments on a bill that passed out of the Assembly Human Services Committee. The withholding of consent to adopt committee amendments has happened only twice in the last 15 years. This action is rarely used because it attempts to bypass the normal committee process.

The bill in question, AB 1401 (Battin), addressed the Governor's welfare proposal, but committee amendments stripped the bill of many of its provisions. The Human Services Committee Chair Dion Aroner noted during floor debate that the Legislature had agreed to strip three Assembly welfare bills and three Senate welfare bills of their contents and use an open conference committee to address the many welfare proposals, including the Governor's. Despite this agreed upon procedure, the Assembly Republican Caucus indicated through extensive debate on both the proposal and amendments that they wanted to resist the committee amendments and have a vote on the Governor's welfare reform proposal. After the Assembly voted to adopt the committee amendments, Assemblymember McClintock moved for reconsideration refusing to accept the Assembly's action.

This morning on the Assembly floor, the Republican caucus again attempted to bypass the legislative committee process by attempting to withdraw seven welfare related bills from the Human Services Committee. These bills had failed passage in the Committee, but six of those were granted reconsideration — the seventh author did not seek reconsideration — and are scheduled to be heard on April 15.

I limited discussion to the merits of the motion to withdraw, not on the issues contained in the bills, as required by Mason's Legislative Manual Sec. 491. The motion to withdraw is an obvious attempt to force discussion of proposals that failed passage by a committee. After discussion ended on the first bill, I refused to take up the other six bills since the arguments for withdrawal would be identical to the first and ruled that the motions to bring up the bills were dilatory.

Mason's Legislative Manual Sec. 180 provided that "Any regular parliamentary motion, when improperly used for the purpose of delaying or obstructing business, is a dilatory motion." Mason's Manual recognizes that motions may be used by some not for deliberation, but rather to obstruct business because of disagreement with an action taken and specifies, "If there were no provisions for protecting the body, a minority could be constantly raising questions or order an appeal from every decision of the presiding officer, ... and, by thus taking advantage of parliamentary forms and methods, practically stop business."

Memorandum to Members of the Assembly from Tom McClintock Regarding April 14 statement of Sheila Kuehl (April 17)

I HAVE REVIEWED SHEILA KUEHL'S STATEMENT of April 14 concerning the conduct of business on the floor and believe some "parliamentary basics" are in order.

1. Ms. Kuehl states that she "(has) been very generous in allowing debate on the floor." Debate is not a privilege generously bestowed at the whim of a presiding officer. It is the most fundamental right of any deliberative assembly. Mason lists ten parliamentary principles "so fundamental as to be required to give validity to the decisions of a group." *(Mason's Sec. 42)* Among these principles is: "Whenever a deliberative body is making decisions, the members must have an opportunity to debate

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simple maxim for able bodied adults: if you don't work, you don't eat.

During that decade, California's welfare rolls have increased 49 percent. Wisconsin's rolls have decreased 49 percent during the same period.

Wisconsin's common sense approach has produced inflation-adjusted savings of a third, even while per-family support for welfare recipients has increased. California's costs have sharply increased, even while grants have been reduced.

Wisconsin's success shouldn't be surprising. Benjamin Franklin wrote extensively about the pitfalls of a welfare system which subsidized idleness, and the need to design welfare programs that require work. Nineteenth century charities overwhelmed by the homeless soon discovered that a simple requirement to perform some necessary chore before doling out benefits dissuaded a large number of applicants from applying.

Nearly half of those now applying for welfare in Wisconsin turn around and head back out the door when they learn that a job is part of the deal. Welfare payments are cut off after 30 days if the applicant hasn't found a job or actively enrolled in a job search.

Kuehl Stops Up Her Ears, *cont.*

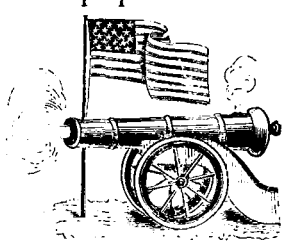
the questions. They have the right to express their opinions and hear the opinions of others to aid them to come to a meeting of the minds and reach valid joint decisions." *(Sec. 43.6).*

2. Ms. Kuehl criticizes my withholding of consent to hostile committee amendments to Assembly Bills 1401 and 1402. Committees are servants of the house; not its masters. "A committee can only propose amendments to the bills referred to it and cannot actually amend or modify them. The sole power of the committee is to make recommendations to the body, and no recommendation becomes effective until adopted by the body." *(Sec. 616.1)* Committees were never intended to be used as bomb shelters where frightened elected representatives can hide from tough issues.

3. Ms. Kuehl criticizes my use of the motion to reconsider the vote on the amendments to Assembly Bills 1401 and 1402. This motion was necessary after Ms. Kuehl made the remarkable ruling that a measure on the Assembly's Daily File must be passed on file (and then to the inactive file) if the maker of a motion to amend refuses to take up the amendment. This absurd precedent would allow any member to thwart any measure simply by proposing amendments and then refusing to bring them up.

4. Ms. Kuehl defends her ruling that business on the Assembly's Daily File can be declared "dilatory" by the presiding officer. Business is placed on the Assembly's Daily File pursuant to the rules of the house. Mason places an affirmative duty on the presiding officer to conform to this file: "It is the duty of the presiding officer to announce the business to come before the house in its proper order" *(Sec. 257.1)* and "To announce the business before the body in the order in which it is to be acted upon." *(Sec. 575.1(b)* Furthermore, Mason provides for the removal of a presiding officer who willfully refuses to do so: "Whenever the presiding officer attempts to thwart the purpose of the office, the power resides in the assembly to pass the presiding officer by and proceed to action otherwise." *(Sec. 576.1)* and "When the presiding officer refuses to put a motion which is properly before the body, the proper procedure is to select, at once, a temporary presiding officer to put the motion to vote." *(Sec. 577.2)* Ms. Kuehl justifies her action based on provisions which allow the presiding officer not to recognize motions "improperly used for the purpose of delaying or obstructing business." *(Sec. 180).* This is, to my knowledge, the very first time that business on the Assembly's Daily File, placed there pursuant to the rules of the house, has been ruled "dilatory" on the whim of a presiding officer. I challenge Ms. Kuehl to cite a single precedent for her action in the proceedings of this Legislature.

5. Finally, Ms. Kuehl alludes to an "agreed upon procedure," whereby the Assembly Republican Caucus delegated exclusive consideration of all welfare legislation to an unprecedented "super-conference committee." This has many of my colleagues and me baffled. I have been assured by Assembly Republican Leader Pringle that he made no such agreement; I was certainly a party to no such agreement. If there was an "agreed upon procedure" whereby the Republicans waived their right to debate and modify welfare reform measures, I am curious to know with whom the "agreed upon procedure" was agreed upon. The "super-conference committee" is obviously designed to short-circuit the normal legislative process, thwart the right of the whole house to modify any welfare reform legislation, and, in concert with Ms. Kuehl's absurd rulings, to stifle free debate on this issue until the eleventh hour, when the Assembly will be presented with a "take-it-or-leave-it" proposition. CPR



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In 12 months, they must be working in a private or public sector job, and in 24 months, their benefits end.

Robert Rector of the Heritage Foundation, one of the architects of the Wisconsin plan, explains the core of the program: "Wisconsin has rediscovered a philanthropic philosophy once ubiquitous in American charities, but largely abandoned over the past 40 years. This philosophy regards dependence and idleness as harmful to the welfare recipient and insists that he perform useful labor in exchange for benefits he receives."

No one is starving in Wisconsin. Governor Tommy Thompson has been able to increase family grants, provide child care for every working mother, and still spends less than he did 10 years ago. In a weekly radio address to the nation last May, President Clinton lavishly praised Wisconsin's welfare plan, saying it "incorporates and enhances all federal strategies to construct a total package of benefits and services designed to supplant entitlement with opportunity, exchange dependency for self-sufficiency and replace desperation with hope for thousands of Wisconsin parents and their children."

Governor Pete Wilson, who has been fighting an up-hill battle for welfare reform in California since 1991, and who hired Governor Thompson's welfare director in 1994, recently unveiled a proposal modeled on the successful Wisconsin reforms.

But the Legislature hasn't exactly jumped at the opportunity. The Legislative Analyst's Office (LAO), the liberal majority's think tank, has proposed instead a massive expansion of the state's existing GAIN bureaucracy.

The contrast is dramatic.

Wisconsin has reduced its welfare costs every year the work requirement has been in effect. The LAO projects a cost increase of $360 million in the first year alone, with no net savings until at least the sixth year. Those bureaucrats can be expensive.

Wisconsin expects its welfare recipients to be employed in one year and self-sufficient in two years. The LAO would continue full-sized handouts to California recipients for five years, and partial handouts in perpetuity.

Wisconsin loses patience with welfare recipients who haven't landed a job within a year and assigns them to full-time public service jobs. The LAO would allow two full years of idleness, and then ask for only 20 hours of community service per week in the third year, increasing to only 30 hours by the fifth.

Which plan is more compassionate? A 1990 University of Wisconsin study of second graders from low-income, high risk families, discovered that when the mother worked moderately or extensively during the child's first three years, the family was less likely to be living in poverty four years later. It discovered that everything from test scores to children's social development improved when there was a breadwinner in the family. Similar studies of low-income families around the country have found a strong correlation between employment and everything from higher self-esteem and better study habits to less television watching and more reading. Should this surprise us? Children imitate the adults around them.

The debate over how to fix California's failed welfare system has just begun. Californians have a clear choice between two competing plans. One, by the Legislature's liberals, continues California's failed policies that have condemned generations of Californians to welfare dependency. The other, by Governor Wilson, adopts a proven program that has turned around tens of thousands of lives in Wisconsin, saved billions of tax dollars, and won the praise of President Clinton. This is not a time for Californians to be silent.

Wisconsin after 10 years...

- Welfare spending down over 30% in real dollars.
- Spending more money on each family still on assistance.
- Caseload continues to decline after ten years of reforms.

— Chart distributed by Assemblyman McClintock's office.

Tom McClintock represents the 38th Assembly District in the California Legislature.

Let's BRAC California

By Assemblyman Tom McClintock

TWO THOUSAND years ago, Cicero complained about the "arrogance of officialdom." Two hundred years ago, rebellious colonists indicted their sovereign as a tyrant, in part because "He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people and eat out their substance." One constant in the experience of civilization is the

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drive of governmental bureaucracies to expand, to self-aggrandize, to consume ever-growing proportions of a society's productivity, to interfere increasingly with commerce, to become ever more meddlesome with ever more minute details of human affairs and ultimately to reach that terminal stage in which the government becomes abusive of the population and rapacious for financial support. Clearly, American experience with bureaucracy is now taking it close to this final phase.

In California, the result is breathtaking. In 1966, the last year of Governor Pat Brown's administration, the state was embarked on momentous construction projects including massive development of the state highway system, construction of the state water project, and historic expansion of the state university system. California even offered a full university education to every resident who wanted one. Pat Brown did this spending only slightly more than $1,156 per person in 1995 inflation-adjusted dollars. Next year, state government will spend $2,000 per person, while delivering a vastly lower level of service. For instance:

In 1966, Californians paid a little more than $3,000 for every student in the public schools in 1995-inflation adjusted dollars. Next year, they will spend $6,640. Enough funds are now available for the public schools to reduce class sizes at all grades to 20 students and provide $132,800 for each classroom — if that money actually reached the classroom. In 1966, Californians paid $13,816 in 1995 dollars to house an average prisoner. Today they pay $20,981. Since 1980, prison costs have grown almost twice as fast as prison population. It should be obvious even to the most obtuse defenders of big government that vital public resources are being absorbed by increasingly slothful bureaucracies.

The problem is that bureaucracies have enormous power to resist attempts to reduce or curtail them. The beneficiaries of government have a strong, focused incentive to resist change; taxpayers do not. The California Arts Council costs every Californian about 38 cents. Next year its executive director is slated to make slightly less than $90,000 annually and to hand out about 1000 grants averaging $10,000. Who has the incentive to lobby to reduce or expand this bureaucracy — the taxpayer who will save 38 cents, or the executive director who will lose a $90,000 per year job? Thus, legislators are bombarded with invitations to receptions for the Arts Council and are besieged with kudos from Arts Council beneficiaries. The average taxpayer is too busy looking after his family to notice or care about this 38 cent drain on his family's budget.

Federal budget-cutters encountered the same parochial resistance in trying to close obsolete military bases throughout the 1980s. Everyone agreed such bases existed; no one agreed whose district they were in. The most staunch fiscal conservatives would howl hysterically whenever a flinty eye was cast toward their bases. To counter this resistance, Congress adopted a Defense Base Realignment and Closure Commission, or BRAC. The BRAC consisted of a panel of independent management experts, removed from the political arena, who prepared a comprehensive list of bases which could be closed or consolidated. This list was then presented to the president and Congress for a single up-or-down vote. Congressmen could no longer play the game of attacking "all that waste" while defending the "vital" base in their own district. The results were dramatic. BRAC has closed 73 major bases, with 27 more scheduled for closure, saving $19.3 billion over 20 years.

Clearly, the time has come for a BRAC for bureaucracy: a Bureaucracy Realignment and Closure Commission, that will perform the same service at the state level, for a state so choked by bureaucracy that it can no longer perform basic tasks. Is such a commission needed? Amidst the 100-year January floods, I revealed on the Assembly floor that the state was still paying $85,000 for a "Drought Information Center," set up during the 1988 drought as a temporary office. It changed its name to the "Water Conservation Information Center" in 1993, and continues to hand out drought-era brochures and bumper stickers urging Californians not to waste the water they were bailing out of their living rooms. Two Assembly members immediately rose bitterly to defend the office.

California government now takes twice the money per capita that Pat Brown took his last year in office. With it, Californians could enjoy a top-flight education system, a transportation renaissance, an ample social safety net, and a judicial system able to lock up every predator. Or they can pay for a government which hands out drought-era brochures and performs a dizzying array of other useless functions. It is a fairly straight-forward choice.

Understanding California's Efforts At Privatization
By Joseph Yocca

Successful governmental reforms often go through three stages of development before becoming reality. First, the idea is ridiculed as unworkable, wildly optimistic, and juvenile. Next,

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it is roundly criticized as harmful to the republic, complete with dire predictions of disastrous consequences to farm children and small animals if enacted. Finally, only after these prognostications are disproved, is the reform accepted as inevitable. Regarding privatization of major parts of California state government, it is clear the development of the issue remains in its early stages.

A report in the April 2 *Wall Street Journal* "California" section, for instance, featured a "where are they now"-style "exposé" ridiculing the Wilson Administration's lack of initiative in its push to privatize major state government functions following the effort's ballyhooed kick-off 18 months ago. And while the article accurately pointed out that the administration's successes so far — contracting-out some low-level functions of the government — can honestly be called no more than modest, the *Journal* was remiss in reporting the political dynamics of the issue.

Its sources ridiculing the Wilson effort turned out to be the usual suspects singing their well-worn tune: government employee union mouthpieces and their liberal Democrat benefactors piping the usual falsetto diatribes heard whenever any attempt is made to pare government. Senate Democrat Leader Bill Lockyer said the Wilson plan amounted to nothing more than a "press statement and philosophical commentary ...." Add a state employee union spokesman's statement that the proposal was just "an awful lot of hype," and you pretty much have the sum total of privatization wisdom and enlightenment that these folks, or the article itself, offered to readers.

The *Journal* report neglected legislative efforts last year to reform the complex mix of statutes and regulations that 25 years of labor dominance had mortared to state government.

In October 1995, when Republicans were finally poised to take control of the Assembly for the first time in a generation, you then saw new Republican committee chairmen eager to cross the privatization frontier. And they did, with some success — another fact the *Journal* article missed — only to have their proposals bottled up in Democrat-dominated *senate* committees still controlled by Lockyer and organized labor.

Undaunted, senate Republicans managed to bring one major reform to the senate floor: privatization of low security facilities at the state Department of Corrections. This major reform would for the first time have opened the state's penal system to outside contractors who have proven successful in Texas, Florida, and other states. The proposal would have passed despite opposition from most senate Democrats but finally fell short by two votes — two votes cast, ironically enough, by Republicans.

Now, with the Democrats and their labor allies having regained control of the Assembly, there is little chance that this corrections reform will re-appear this session. But defeat has brought innovative thinking. Privatization supporters are now proposing contracting-out by local governments, a strategy that has, over the years, proved relatively successful for California. For instance, Senate Republican Leader Rob Hurtt is sponsoring legislation that would remove statutory impediments to contracting out by California's general law cities and counties. And despite vigorous oppostition by unions that rightly fear it could undermine their supply of wasteful and bloated government spending, Hurtt's bill recently passed its first test, winning approval in the senate Local Government committee.

Lockyer and union rhetoric aside, the truth is that these privatization strategies are already common practice in other states around the country. Other legislatures are working with their governors to restructure state government. They are succeeding where California is failing by attracting job producing entrepreneurs and industry. A 1992 Apogee Research national survey of state-level agencies found 90 percent indicating they utilize some form of privatization. Outside of backward California, privatization takes in the full range of state services, infrastructure, assets, and real estate — from road maintenance to child-support to rebuilding infrastructure such as bridges and tunnels. In another form, privatization is providing vouchers to poor and handicapped people who use them to purchase social services on the open market rather than relying exclusively on government agencies — a particularly noteworthy idea as it relates to the other major issue facing state governments this year: welfare reform.

THE STORY the *Journal* failed to report is that these and other sensible reforms are moving slowly in California only because, since Wilson proposed them, the state has remained in the grip of the Luddite Democrats except for a brief period, and even then it enjoyed only partial Republican rule. California's failure to reform is far more a story of Democrat reactionaries and special interest cronyism than of Wilson dropping the ball. The evidence from around the nation makes it clear the state must adopt some form of privatization if it is to compete for jobs, for productivity, and for the future. The questions now are: how long will the necessary, if tiresome, early stages of ridicule and criticism last, and do we possess the required fortitude to sustain the effort until the victory is won? CPR

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Wayward School Board

Losing millions with Citron, protecting their perks, stifling democratic process, and excoriating 'extremists' — flim-flam and fun with Orange County's top educrats.

By Leon McKinney

A CENTERPIECE OF the public education establishment's 1993 campaign against Proposition 174 was repeatedly claiming that "voucher schools" wouldn't be "accountable the way our public schools are." Appealing to taxpayers disgusted by seeing their taxes wasted on one government scheme after another, the educrats shamelessly promulgated one lie after another. Voucher schools' curricula would be dubious — "witches' schools" would spring up. Religious zealots would establish schools to crank out foot soldiers for the Christian Right. Greedy Michael Milken clones and other charlatans would set up phony schools as "fronts" with no students, cash in vouchers and laugh all the way to the bank.

The public education establishment's pose as a model of accountability and fiscal rectitude backfired in December 1994 when the investment schemes of Orange County's Unabanker, Treasurer Bob Citron, blew up Orange County finances, losing $2.4 billion and forcing the county into bankruptcy. Amidst the rubble was Orange County schools' finances: county schools had borrowed $200 million to play the financial markets with Citron, resulting in a loss of more than $40 million.

Responding to critical editorials and articles in the *Orange County Register*, the head of the Orange County Department of Education, Dr. John Dean, scolded the *Register* in letters to the editor for not recognizing educrats' striving to "provide the finest schools at optimal cost" despite "lean budgets." Dr. Dean apparently equates gambling away $40 million with "optimal cost." Their denials notwithstanding, a large share of responsibility for the losses sat squarely on the shoulders of Dr. Dean and his OCDE colleagues. The OCDE is the umbrella agency for the county's 27 elementary and secondary and four community college districts. In California, county education departments have three responsibilities. The first is consolidating districts' administrative functions (printing payroll checks, etc.) and programs like those for special education students. The second is acting as clearinghouse for grants from federal and state education departments, private foundations, and other external entities.

The third? Oversight, auditing, and approval of district programs, budgets, and spending. Under California law, individual school district budgets must be approved by their county departments before the state releases money to the counties for disbursement to districts. County departments trumpet this oversight role as *the* primary reason for their existence.

YET WHEN county school districts took out loans to invest with Citron, John Dean and the Orange County board of education not only did *not* intervene, they joined the Unabanker investment club themselves, borrowing $42 million — and ultimately losing $8 million.

And, Dr. Dean's claims again notwithstanding, his "lean budgets" contain plenty of pork. In 1991-92 the board spent $1.4 million on "consultants and lecturers," $662,000 for "travel and conferences," and

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$27,000 for "dues and memberships." By 1994-95, the board shifted spending more toward itself and less toward outsiders: consultants received only $1.1 million, travel and conferences were budgeted $727,000, and those nifty memberships garnered $30,400. However, the board made sure there was still money to dole out for perks for board members' cronies: spending taxpayer dollars to send PTA leaders on all-expenses-paid trips to Monterey and Carmel, for example, to attend education conferences and "report back" to the board.

A REVIEW OF county board meeting minutes from late 1993 through 1995 shows little of the board's time devoted to oversight — ensuring that taxpayers' money was well-spent by reviewing budgets — or to working on improving academic performance. Instead, the meetings consisted mainly of accepting grant after grant after grant from federal and state governments and private foundations for programs that fit better with a concept of public schools as branch offices of social service agencies than as places of instruction.

One county school district received $80,078 to provide day-care services to sixteen kids .... These kids cost 14 percent more to baby-sit than they would to educate.

Included in a total of more than $5 million in such grants, the board accepted: $502,000 for bilingual education programs (which in Orange County, as elsewhere, have failed completely to teach students English); $872,000 for prenatal, perinatal, and child care programs (since teenage motherhood is just another "lifestyle choice"); $70,000 for programs for homeless students; $353,000 for programs for "alternative" public schools (where they send some convicted juvenile criminals and the kids we're told have been expelled from public schools for carrying weapons, dealing drugs, assaulting other students, or other similar behavior); $2,384,000 for "at-risk" kids (generally disruptive kids, not yet ready for alternative schools); $224,000 for drug, alcohol, and tobacco education programs; and $382,000 for Goals 2000 programs.

Some of these programs were blatant examples of the left using public schools to promote its religion of Big Government. "Wellness" programs, for instance, appear designed with the end goal of "school-based clinics," which, under the guise of offering "one-stop health services," would provide minors with family planning and abortion referrals and would give homosexual activists access to kids.

The trustees apparently don't apply even quick-and-dirty, common-sense tests to programs to see if spending makes sense. One county school district, the Savanna School District, received $80,078 to provide *day-care* services to *sixteen* kids. That's $5,000 per kid, per year, compared to total state per-*student* spending of $4,400. These kids cost 14 percent *more* to baby-sit than they would to educate.

So much for oversight. One responsibility the OCDE *does* take seriously, however, is defending the education establishment. In '93, county board members were vocal in their opposition to Proposition 174, parroting the California Teachers Association's party line of falsehoods. During election campaigns for district school boards in 1992 and 1994, the trustees led the way, painting conservative school board candidates as "extremists" with "secret agendas" to destroy public schools, or at least turn them into Bible study groups.

Board member Elizabeth Parker, in the October 31, 1992, *Los Angeles Times,* implied conservative candidates were part of a national conspiracy: "These candidates like to come across as innocent, but they're not." She was shocked (shocked!) to discover that "they believe in many of the same things" as one another and that the conservatives' campaigns were "very organized, very concerted." By implication, Parker wants us to believe that candidates backed by the education establishment and the teachers unions hold diverse political views and run individual, grass-roots campaigns with no collaboration or cooperation. Right.

During the 1994 election, Parker again popped up to wring her hands over the fate of public schools if those dastardly conservatives gained control of any school board. Here's Parker in the October 30, 1994, *Times:* "The danger here is that their whole mission and purpose is anti-public education. The bottom line is they want to weaken the public school system to where it doesn't help anybody." It may be a poor bargain for taxpayers, but at least now it helps you and your friends, is that it, Ms. Parker?

The county department's practice of conducting political campaigns while ignoring its legal mandate to provide fiscal oversight might have continued unnoticed had it not been for the Citron disaster. In March 1996, more than a year after the county declared bankruptcy, elections for the county board were held — the voters' first opportunity to pass judgment on elected officials responsible for the disaster. Three of the board's five members were up for re-election: Felix Rocha, Dean McCormick, and Joan Primrose. Rocha, facing no serious challenge, won handily. But McCor-

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mick and Primrose lost to two conservatives, Ken Williams and Eric Woolery.

The schools empire quickly struck back. At its June 18 meeting, one month before Williams and Woolery took office, the board voted in a new "policy" on bringing issues up for discussion or votes: henceforth, every meeting agenda item had to approved by board President Parker, who was, of course, on record *ad nauseam* opposing every significant reform Williams or Woolery were likely to raise. This clumsy attempt to disenfranchise the 40 percent of Orange County's citizens represented by Williams and Woolery — one million people! — Parker claimed was merely part of a year-long "overhaul of board policies." Defeated, outgoing board member McCormick at least allowed that the new rules were intended to block votes on "frivolous" issues.

"Frivolous" issues like board term limits, implementing phonics reading curricula, and moving board meetings to evenings so working folks could attend. Williams and Woolery had declared their intention to bring up those issues at their first meeting on July 18. Parker said voting on term limits was "a cheap way to get headlines? It's just garbage." Parker also opposed voting on a resolution urging districts in the county to teach phonics in kindergarten through third grade, saying the county shouldn't "issue mandates to districts." She added that evening meetings would be "too expensive" ("employee overtime" would be costly, fretted the fifth board member, Sheila Meyers, who never batted an eye while spending millions on travel and memberships).

On July 18, more than 50 supporters of Williams and Woolery were in the audience (about 10 times the typical audience size). Several members of the press were present too, another unusual occurrence. A parade of speakers urged Parker and the board to consider Williams' resolution urging county schools to implement phonics, including a representative from Governor Wilson. Nervously, eyeing the press, Parker allowed the board to consider the phonics resolution, which passed with Rocha joining Williams and Woolery. But the motions to put board term limits on November's ballot and to move meetings to evenings died, 3-2. Parker also refused to accede to demands by Williams and the audience that she give up veto power over agenda items.

Arguably, ending Parker's disenfranchisement of voters was more critical than engaging her in battles over phonics, night meetings, term limits, or any one issue. In fact, Parker's effort to run the OCDE by *diktat* directly violated the California Government Code.*

I informed Parker in writing in mid-August that I believed her policy limiting Williams' and Woolery's rights to place items on the board's agenda was illegal. I also threatened, under California's private attorneys general statutes, to prosecute her and any other board member who voted to keep the policy. I also listed three items I, as a "member of the public," wanted on the board's agenda. Gary Kreep and Kevin Snider at the U.S. Justice Foundation agreed with me about Parker's policy, and also sent a letter affirming the intention to sue if necessary.

At the August 29 OCDE board meeting, I repeated my threat that, supported by other citizens, I would bring suit against Parker, Meyers, and Rocha as individuals for violating the law, adding that another lawsuit would be filed if the board voted to spend taxpayer funds for their legal defense. Appearing a little nervous, Parker nonetheless at first waved it off, indicating that the board's counsel (a smugly nonchalant gentleman nodding placidly nearby) had advised her I had no grounds for talk of suits.

But things began heating up when I added that if OCDE's counsel indeed had so disputed my claims, we would also prosecute him for knowingly and willfully providing misrepresentations of the law to the OCDE. At this point, learned counsel, his face turning ashen, stopped nodding his head. And Parker, meanwhile, her hands beginning to shake as her composure evaporated, began spluttering and wheezing. She balked a few moments longer, but finally conceded defeat, graciously restoring to the people their rights as citizens of a self-governing democracy.

But say this for Parker: she never gives up. The next month she put together a luncheon for "Women In Leadership," a group claiming to be a "bipartisan coalition" chartered to "promote the election of strong, moderate, pro-choice women" — lock-step pro-

* Section 35145.5: "It is the intent of the Legislature that members of the public be able to place matters directly related to school district business on the agenda of school district governing board meetings. Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the governing board on any item of interest to the public, before or during the governing board's consideration of the item, that is within the subject matter jurisdiction of the governing board. Governing boards shall adopt reasonable regulations to insure that this intent is carried out."

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abortion-on-demand absolutism being the soul of moderation. Luncheon speaker Susie Swartz's topic was "Unmasking Extremist School Board Candidates" — the presense of the merest quibble over abotion being proof of "extremism." Swartz said the Republican leadership in California is "extremist" because they back "far-right extremist" (*i.e.,* conservative) school board members and candidates. Conservatives are defined as "anti-public schools." They want to starve children because they oppose federally-funded school breakfast programs, while children who don't starve will surely get AIDS because conservatives won't allow "school-based clinics" to pass out condoms to fifth-graders or refer girls to the nearest Planned Parenthood abortion mill. It goes without saying — Swartz said it anyway — that conservative school boards want to turn public schools into church auxiliaries because "behind their rhetoric of 'local control' and 'parental rights'" they "often have their children in home-schools or private Christian schools."

Since then, Parker has plunged into getting the Clintons' Goals 2000 and "School-to-Work" programs installed at every Orange County school, leading to another confrontation with Ken Williams and other conservatives. Of course, for Parker to win this fight means she has to make soothing statements full of contradictory jargon to an unsuspecting public. In a March 9 letter to the *Register,* Parker said the federal government will "never" track students into "government-assigned career pathways," then goes on to sing the praises of the government schools as an unparalleled success story which, with School-to-Work, will give students "opportunities" to "experience potential careers" before they graduate. It's a safe bet that such "opportunities" will quickly become as "voluntary" as our tax system. Already, the Tustin Unified School District claimed the OCDE told them they'd cut off *all* federal funds unless the TUSD accepted Goals 2000 grants.

Parker concluded her letter by accusing School-to-Work opponent and Santa Ana Unified board member Rosemary Avila of being "political," (gasp!) — as opposed to Parker, who is only a faithful, selfless servant of children. Please. Both Parker and Avila ran for their offices and were elected. They are by definition politicians. Parker is doing what liberals always do when conservatives resist their political agendas: cry "politics, politics" and urge everyone to "work together," which really means surrender to the left.

PARKER CONTINUES her ham-handed tactics. She turned a recent OCBE "public hearing" on School-to-Work into a tightly-scripted dog-and-pony show. The meeting began with a segment titled — I'm not kidding — "Factual Testimony." This — surprise! — featured nothing but School-to-Work advocates. Presumably, critics of School-to-Work would be giving "Fantasy Testimony." Just 30 minutes out of three-and-a-half hours were allocated to public comment, and that near the end. In case any citizens present missed Parker's point that we barbarians were just barely tolerable and had better do whatever she and the rest of our betters say, she had Costa Mesa police officers present to "maintain order."

CONSERVATIVES ARE wrong to say School-to-Work is a scheme by the left to "take over the schools" — they've already done that. It's an effort to further the left's goal of total control over our lives. At a February 12 conference on Goals 2000 and School-to-Work, Republican House Judiciary Chairman and conference host Henry Hyde reviewed an 18-page "Dear Hillary" letter written in November 1992 by one Marc Tucker, whom Hillary Clinton subsequently appointed to head the National Center on Education and the Economy. Tucker's letter called for "remold[ing] the entire American [public school] system" into "a seamless web that literally extends from cradle to grave and is the same system for everyone," coordinated by "a system of labor market boards at the local, state and federal levels" where curriculum and "job matching" will be handled by counselors "accessing the integrated computer-based program." If that's not "tracking students into government-assigned career pathways," then what is?

The most telling thing about the OCBE's "public hearing"-turned-farce was the lead speaker during "Factual Testimony": Loni Hancock, former mayor of Berkeley and a long-time friend and supporter of US Communist Party Chairman Gus Hall. Ms. Hancock is now one of the head bureaucrats at the US Department of Education for Goals 2000.

Parker demonstrates the consequences of Orange County conservatives assuming that, because their county has a "conservative" image, they can ignore local government.

By contrast, conservatives can advance their cause by realizing that liberals can and will run local governments even in places like Orange County, and by taking action. Forcefully confronting and defeating Parker and getting a reluctant media actually to start covering the OCBE's meetings has resulted in Felix Rocha occasionally voting with Williams and Woolery: the three recently voted to kick Planned Parenthood out of the county schools. But Rocha still votes with Parker on most issues — he voted for the Kafkaesque format for the School-to-Work "public hearing." That's probably how things will continue, at least until March 1998, when Parker and Meyers will be either re-elected or replaced by the voters. CPR

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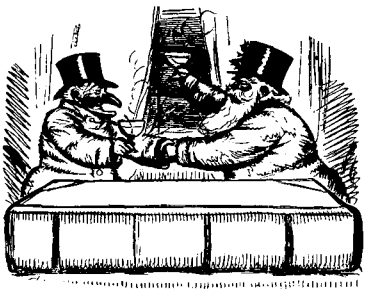

CRITICUS

California Rhyming

BY G.B. TENNYSON

CONSTANT READERS who go into withdrawal between their bi-monthly fixes of Critical insight have almost nowhere to turn, but those worthy souls in their scores, or hundreds, or thousands, could alleviate the pain somewhat by moving deftly through the pages of the *Los Angeles Times* to the daily column called "Only in L.A." by one Steve Harvey. There, between weather and metropolitan coverage nestles Harvey's column at the bottom of the page. It offers some relief from the news and editorial matter — if they can any longer be distinguished — that occupy the surrounding areas, being, as it is, sprightly and largely non-political, a cross-between the style of the late Herb Caen and that of the late Jack Smith, more leisurely and less gossip-driven than Caen but more rapid-fire and sharper-edged than Smith. In terms of literary taxonomy we could say that Caen was a latter-day Walter Winchell in a smaller pond (sorry, 'Frisco), Smith a latter-day Will Rogers in a vanished suburbia (sorry, L.A.), whereas Harvey is a kind of car-culture, nineties, mildly jaundiced, SoCal *flâneur.* (Forgive me, Constants; I seem to be falling into Tom Wolfese here. I shall reform.)

Harvey offers glimpses of what can best be called curiosities of life in Los Angeles. Hence the title of his column and hence his frequent reliance on reader contributions, from photographs of "dueling traffic signs" or any other bizarre public or advertising notices, especially misprints and misspellings (we love these), to reports of eccentric conduct on streets and freeways. Not infrequently he will continue a topic from issue to issue as further material comes in from readers, eventually either exhausting the topic or merely losing interest in it and calling a halt to the whole pursuit. Such was the case during the interval between the previous number of this journal and the present one. The main running topic from late-January to late-March was the seemingly trifling one of what rhymes with *Los Angeles.* "Seemingly trifling," note, for it does lead the reflective mind to deeper considerations, at least of an artistic and cultural kind. John Henry Newman once said that at bottom all questions are theological, and for him they certainly were. We shall see whether Criticus can get to the theological bottom of the rhyme question.

HARVEY OPENED the issue in late January by seeking and not finding a rhyme for Los Angeles in a new *Songwriters' Rhyming Dictionary* by a songwriter named Kevin Mitchell working out of Van Nuys. Mitchell acknowledged to Harvey that he had no such rhyme but that Harvey should invite his readers to provide one. This led to a kind of reverse feeding frenzy, that is, a torrent of things offered rather than things devoured. What came in was very much in the vein of the offering that Harvey himself had made in raising this issue. He had noted that as long ago as 1919 an unsuccessful Broadway musical called *The Rose of China* had rhymed *Los*

G.B. Tennyson teaches poetry to both the quick and the dead at UCLA. His published discourse on issues touched on in this column can be found in his monograph Literary Language: Strangeness and the Poetics of Inadvertence *(1991).*

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Angeles with *"man jealous."* Virtually all of the contributions to the Harvey contest were of this sort. They included: *unanimous, exodus, mountain crest, romances us, scandalous, banjo-less* [a good one], *sandal-less, animus, mess, tarantulas* [another good one and from Ogden Nash], and rather desperately *my analyst,* and finally and lamely *platypus.* By "of this sort" Criticus means that they were neither true nor full rhymes, that is, they failed to hit the identical sounds and they left out the "Los" in Los Angeles entirely. As did also *man jealous* from 1919 with which Harvey started the game off, to say nothing of the stress contortions necessary to make it rhyme, viz., *MAN-jealous,* which no one would say.

Rhyme in poetry is a tie that binds, a conjunction of sounds that in this sublunary realm echoes the music of the spheres.

Harvey himself tired of the flood of communications and veered off onto the issue of other words difficult to rhyme. One was the hoary challenge of the word *orange,* for which one reader offered *car range,* which he had proposed for a similar summons more than half a century ago, while another offered *door hinge.* There then ensued a squabble among readers as to who first used the latter rhyme, singer Tom Waits, or Ogden Nash, or Dr. Seuss. However that is sorted out, Criticus notes that one problem with the two *orange* rhymes is pronunciation of the key word itself. The first reader (probably originally from the East coast) pronounces *orange* as *ahrange* while the second (a Californian, evidently) pronounces it as *awringe,* hence the difference between *car range* and *door hinge.* Even so, neither is a true rhyme. Yet another reader noted that Stephen Sondheim had once rhymed *a porringer* with *an orange or.* And Criticus offers the intelligence that somewhere Sondheim claimed that there was no word in the English language that he could not find a rhyme for. We shall see.

Another challenging word Harvey offered for would-be rhymesters is *month* which someone (an oldster, one assumes) pluralized and rhymed with *Madman Muntz.* Yet another was *Sylmar,* which a reader then tried to rhyme with *Bill Maher.* All of these strained efforts probably contributed to Harvey's becoming weary of it all and moving on to other things. Who could blame him? However, Criticus can and will shed some further light on these difficult matters.

The first point to be made is that there are rhymes and rhymes. What I have referred to as *true* rhyme, which is also called *perfect* rhyme or *full* rhyme, is that identity of terminal stressed sounds between words that differ only in their initial sounds, as is best illustrated with one syllable words, such as *red* and *bed, fast* and *last, make* and *take,* but that can occur with longer words as well, as in *relent* and *repent,* or even feminine (i.e., unstressed) ending words, as *follow* and *hollow, eerily* and *wearily.* Against this there is also *slant rhyme,* or *off-rhyme,* or *near rhyme,* or *half-rhyme.* All of the instances offered for the difficult rhyme words in Harvey's column are of this latter type. As a general rule, the farther away from true rhyme the rhyming words are and the greater the number of syllables involved, the closer the rhyme will come to being comic, silly, and even ludicrous. The most inescapable modern illustration of this is rap music, which Criticus trusts Constant Readers do not, as Criticus does not, listen to, except when trapped by noise polluters in public places. Rap abounds in slant rhyme which, if read or heard without the insistent loud and heavy beat, comes across as thin and silly, nay, asinine, though that also has to do with the puerility and indecency of the sentiments. Of course, slant rhyme can be used to ingenious effect in witty and comic verse and also in popular music, which is where we are happy to get in bed with it, so to speak.

TRUE RHYME and slant rhyme being now established, we can pass over the other variations that specialists have marked out — *vowel rhyme, pararhyme, printers' rhyme,* not to speak of *internal rhyme* — to note that in comparison with many other languages, English is relatively poor in rhyme. That is, English has fewer rhyming words at its disposal than, say, Italian. Indeed, rhyme was introduced to English poetry only after the Norman Conquest; before that Anglo-Saxon poetry used alliteration for its repeated sounds. Because of the relative dearth of rhyme in English, really long poems are rarely in rhyme. The most notable exception I can think of is Spenser's *Faerie Queene,* which is very long indeed, even if unfinished, and there are some impressively long poems in rhyme from Dryden, Pope, and Lord Byron. But the preferred form for most long poems such as *Paradise Lost* as well as Shakespeare's

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plays is blank verse, that is, unrhymed iambic pentameter. By contrast, Dante's very lengthy *Divine Comedy* is in *terza rima,* a three-line rhyming form that links rhymes in an endless chain, as aba, bcb, cdc, and so on from the Inferno to Paradise, which is a long and winding road.

We all — even gangsters in the urban jungle — need poetry and rhyme. They are absolutely useless on a practical level and absolutely necessary on a spiritual one.

GIVEN THIS paucity of rhyme words in English, it is not surprising that words like *orange,* and *month,* and, yes, *Los Angeles* have no true rhymes. Nor are they alone. Someone should perhaps compile an unrhyming dictionary, listing all the words for which there are no true rhymes and thus alerting songwriters and others to the need to think in terms of slant or off-rhymes. Rest easy: Criticus has no intention of so doing, but he will draw two further lessons from the sad fact that there is no true rhyme for *Los Angeles.* Both are comforting. The first is, we are not alone. Criticus will venture that most cities in California have no true rhymes, and beyond that, that most cities in the country have no true rhyming words. You will remember the song that rhymes *green apples* with *Indianapolis,* or was it *Minneapolis?* — no matter, both are slant rhymes. So what are we to do with *Sacramento, San Diego,* the *Santas Maria, Barbara, Paula, Rosa* and all that ilk, or, for that matter, *San Francisco?* You will note that when Tony Bennett leaves his heart in the latter place, he (or, I should say, the lyricist) never rhymes *San Francisco* with anything but itself. No more did Jeanette MacDonald's versifier in urging San Francisco to open its Golden Gate. Such is usually the case with songs about cities and places. The typical songwriters' solution to the rhymelessness of place names is simply to repeat the name of the place itself — "Chicago, Chicago," "New York, New York." "Georgia, Georgia" — and follow it with lines that can be rhymed — "toddlin' town/show you around" (an imperfect rhyme even so), "wonderful town/Battery's down," "no peace I find/Georgia on my mind." Of course there are some places that rhyme easily enough: you can take a kayak to Quincy or Nyack, and Criticus recalls a limerick that rhymes Dallas with Alice and with another word which will not be recorded here.

So Los Angeles is not alone. The case may be more acute with California in general because so many place names come from another language which by definition means that there will be fewer rhyming sounds in English; but much of the rest of the country has comparable problems with names of Indian or other non-English origin, and California even has some of these as well. Rhyme me *Potomac,* if you will, or *Philadelphia* (*Philly* is easy, but they affect not to like it), or *Cincinnati,* or *Ticonderoga,* or *Massachusetts,* or *Albuquerque.* I mean in all these cases true rhymes, not slant rhymes. Even Stephen Sondheim, master of rhyme that he is, couldn't deliver true rhymes for these. In a surly mood we might consider these polyglot place names as the first poisoned fruits of multiculturalism. Stephen Vincent Benét would surely disagree, having proclaimed in a once-famous poem "I have fallen in love with American names" and then gone on to use many of them in the poem to good evocative effect precisely by virtue of their differentness.

IF THE first lesson is that rhymes are hard to come by with place names, the second lesson to be drawn from all this is a more consoling one. It is that, however difficult it is to find true rhymes in these cases, imperfect or slant rhymes seem to be there in some abundance, facilitating what also seems to be an unusual richness of light and comic verse in English compared to those languages condemned to end virtually every word with a vowel. The tradition of comic verse in English stretches back beyond the eighteenth century and boasts brilliant practitioners on both sides of the Atlantic. And where would Tin Pan Alley and the classic Broadway musical have been (they do seem dead now) without the jaunty and ingenious rhyming of lyricists ready to slant their rhymes whenever necessary? Criticus believes that popular song lyrics — pre-Rock and pre-Rap, of course — are a greatly neglected repository of resourceful and witty use of language, curiously ignored by the Academy, probably because those songs and lyrics expressed fairly traditional values and were mostly written by dead white males. Someday they will find their chronicler. Meantime, feast on an example or two. Noël Coward once paid tribute to Cole Porter by writing "She refused to begin the beguine when they besought her to, / And in language profane and obscene she cursed the man who taught

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her to. / She cursed Cole Porter too." It was another great lyricist, Lorenz Hart, who returned the favor by writing in "The Lady is a Tramp": "I've wined and dined on Mulligan stew and never asked for turkey. / I've hitched and hiked and grifted too from Maine to Albuquerque. / Alas, I missed the Beaux Arts Ball, / And what is rather sad, / I was never at a party where they honored Noël Ca'ad." Along the way he also answered my question of what rhymes with Albuquerque with a slant rhyme, of course.

WHAT, THEN, is the point of rhyme anyway, especially since it turns out that the great Los Angeles rhyme challenge is something of a red herring? The same question could as easily have been asked of Milwaukee or Schenectady or Okenfenokee. The point, however, is a vital one, even theological. Just as poetry itself seems necessary to the human spirit without being explicable in any materialist terms — Darwin does not appear to have addressed it as part of evolutionary theory, and we can be happy for that — so rhyme in poetry is a tie that binds, a conjunction of sounds that in this sublunary realm echoes the music of the spheres. While poetry can exist and indeed soar without rhyme, rhyme in the right time and place can complement and lighten the deeper and subtler rhythms of poetry, which is why rhyme is so regularly a part of light and comic verse. We all — even gangsters in the urban jungle — need poetry and rhyme. They are absolutely useless on a practical level and absolutely necessary on a spiritual one.

We return to the not so isolated but instead typically hard to rhyme *Los Angeles.* The one dimension of the challenge that makes it more difficult than finding rhymes for other cities is that Los Angeles manages to have more than one common pronunciation. Steve Harvey noted how this compounds the difficulty. We have the prevalent *Lahss Anjeless* (or *Anjeluss),* but we also have Mayor Sam Yorty's *Los Anghuhluss,* and the British *Los Anjeleez* (a bit of a wheez, that, since the British do not tolerate Americans saying *Edinburg* or *Lycester).* Harvey might have added the Spanish *Lohs Anghhellays,* doubtless to be made the required pronunciation when the nation of Atztlan is restored, and already creeping into the politically correct delivery of some radio and television reporters. So to return to the lighter note with which this all began and to remove ourselves from any hint that we may be hearing echoes of the music of the spheres, we address the rhyme problem of the City of the Angeles in the following piece of doggerel. It being rather too long for Steve Harvey's short-takes column, Criticus never offered it there but reserved it for his own space here. Constant Readers can be the first to laugh — at or with, as you see fit.

Town without Rhyme

Don't pity the city that lacks any rhyme.
So few cities do, it's really no crime.
But charity tells us, we must make the try.
So here's to one city, some rhymes on the fly.

We called up a priest in rhymeless Lahss Anjeluss
"Send us a song or toss us an Angelus."
"Not on your life," he replied, ill at ease,
"But I'll sing you some glees for Los Anjeleez."
"Oh no," spoke up Yorty, his heart beating Angh-uh-luss,
"Give us a tune that won't let them mangle us."
From out of the barrio great cries of "nays":
"We need a chic song for Lohs-angh-hell-ays."
The suburbs reverted back to Lahss Anjeless
Though tinny and worn and utterly plangentless.

The Brits with their "-eez," the Mayor with "-angh"
Chicanos with "-ays" — it gives us a pang.
Now we all know and have come here to say
Why Mr. Harvey abides with "L.A."

LIKE STEVE HARVEY, Criticus now considers this topic exhausted, even flattened. We must, as politicians like to say, move forward. Once Harvey had had his way with the Rhyme Question, without of course finding a Final Solution, he moved on to another perennial verbal topic that Criticus commends to Constant Readers. That topic is the one of peculiarly appropriate professional names, such as Dr. Payne the dentist, Dr. Butcher the surgeon, Mr. Cheatam the attorney, Mr. Lawless the policeman, and so on. (Those were all my own creations, by the way, not Harvey's.) Readers began sending in their favorites. Therefore in the interest of bringing this issue into the full light of day and sending "Only in L.A." on to other matters, Criticus feels compelled to point out that this field is the domain of one John Train, who has compiled no fewer than three collections of such names from all over the world. Harvey was concerned only with local ones, but the issue, like rhyming Los Angeles, is greater than that. It would be impossible to improve on Train, but if Criticus were still doing contests, which he is not, he would invite submissions of comic verse on the theme of names that match professions. Slant rhyme permitted. Send to Steve Harvey. CPR

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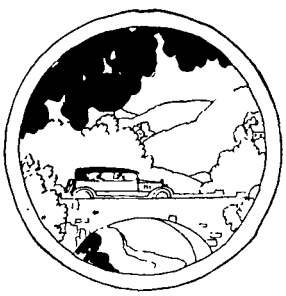
Lynn Sampson Recommends

Travel

The Institute of Irish Studies (6 Holyrood Park, Sandymount, Dublin 4, Ireland, (800/340-8005, E-mail: iis@iol.ie,



Homepage: iol.ie/iis). "The Odyssey of Saint Columba" (June 15-28 and September 7-20) and "The Odyssey of Saint Brigid" (July 27-August 2) are the themes attached to two outstanding and intimate tours of Ireland. The emphasis is on Irish history and culture and with accompanying lectures by leading Irish scholars included in the tour, you'll surely return home with a lot more than snapshots.

Investing

Pax World Fund (224 State St., Portsmouth, New Hampshire 03801, 800/ 767-1729, http// www.greenmoney.com/pax). For a minimum investment of $250, you can buy a piece of a no-load, diversified, open-ended, balanced mutual fund that is careful not to invest in tobacco, alcohol, gambling, or weapons production. Maybe the good feeling you have will almost equal the satisfaction you'll get from being part of a fund that rose 19.96 percent between June 1995 and June 1996.

Back to School

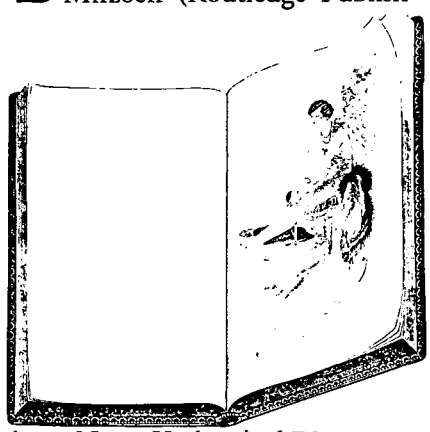
Princeton Theological Seminary (12 Liberty Place, Princeton, New Jersey 08540, (800) 622-6767, extension 7990). Have you ever harbored a secret desire to taste the educational atmosphere of the Ivy League? Princeton will allow you to do just that with course offerings in its School of Religion available all year long. "The Dead Sea Scrolls, "Parenting," and something called "Discernment for Life's Choices" are among the choices in these low-key classes designed for people who always dreamed of going to graduate school.

Sharing

The Salvation Army. What charitable organization can guarantee that 86.4 percent of every dollar you give goes to the people who need it? The venerable Salvation Army has been doing it since 1886. With administrative costs at a meager 13.6 percent, it is the best-run charity around.

Books

Bodyscape: Art, Modernity and the Ideal Figure by Nicholas Mirzoeff (Routledge Publishing, New York, $16.75 paperback). The author looks at the cult of the body from all angles — health clubs, diet columns, history, and religion. This is a comprehensive study of the physical body; with equal time given to Louis XIV as well as Madonna. CPR



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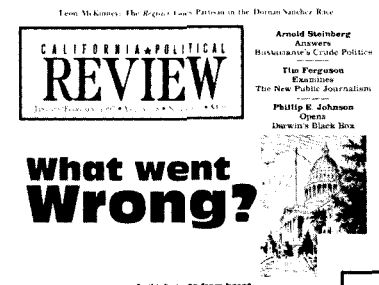

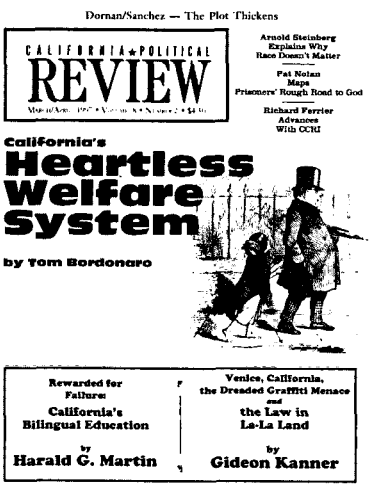

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